



# BLUE RIVER BOARD OF TRUSTEES REGULAR MEETING JANUARY 2025

January 21, 2025

5:00 p.m.

0110 Whispering Pines Circle, Blue River, CO

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## AGENDA

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The public is welcome to attend the meeting either in person or via Zoom.

The Zoom link is available on the Town website:

<https://townofblueriver.colorado.gov/board-of-trustees>

Please note that seating at Town Hall is limited.

### WORK SESSION

Swearing of Newly Elected Board of Trustee Ben Stuckey

Board of Trustees Training

#### I. CALL TO ORDER, ROLL CALL

#### II. APPROVAL OF CONSENT AGENDA

[A.](#) Minutes for November 19, 2024

[B.](#) Approval of Bills November 29, 2024-January 16, 2025 \$434,694.52

#### III. COMMUNICATIONS TO TRUSTEES

**Citizen Comments (Non-Agenda Items Only- 3-minute limit please). Any written communications have been shared with the Board of Trustees.**

[C.](#) Semmer-Blue Grouse Trail

#### IV. ORDINANCE CONSIDERATION FOR APPROVAL

[D.](#) Ordinance 2025-01 Repealing Moratorium Subdivision

[E.](#) Ordinance 2024-05 Measurement of Setback from Town Road Easement

#### V. RESOLUTIONS

[F.](#) Resolution 2025-01 Notice of Meetings

G. Ratification of contract with NEO for broadband development

H. Resolution 2025-03 Interim Meeting Policy 2025

**VI. NEW BUSINESS**

I. Traffic Discussion

**J.** Set Notice of Planning & Zoning Commission Vacancy

**K.** Finance Committee

    Planning & Zoning Commission

    Wildfire Council

L. 2024 Building Code Changes Discussion

M. Code Enforcement Report

**VII. CONTINUING BUSINESS**

N. Draft Sheds Ordinance for Discussion

O. Accessory Dwelling Unit Discussion

**VIII. REPORTS**

**P.** Mayor & Trustee Reports

**Q.** Attorney Report

R. Staff Reports

**IX. OTHER BUSINESS**

**X. EXECUTIVE SESSION**

**XI. ADJOURN**

**NEXT MEETING -**

*Reports from the Town Manager, Mayor and Trustees; Scheduled Meetings and other matters are topics listed on the Regular Trustees Agenda. If time permits at the work session, the Mayor and Trustees may discuss these items. The Board of Trustees may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.*



**BLUE RIVER BOARD OF TRUSTEES MEETING NOVEMBER 2024**

**November 19, 2024 at 5:00 PM  
0110 Whispering Pines Circle, Blue River, CO**

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**MINUTES**

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**The public is welcome to attend the meeting either in person or via Zoom.**

**The Zoom link is available on the Town website:**

**<https://townofblueriver.colorado.gov/board-of-trustees>**

**Please note that seating at Town Hall is limited.**

**I. CALL TO ORDER, ROLL CALL**

Mayor Decicco called the meeting to order at 5:04 p.m.

PRESENT

Trustee Barrie Stimson

Mayor Nick Decicco

Trustee Jonathon Heckman

Trustee Jodie Willey

Trustee Noah Hopkins

Trustee Ted Slaughter

Also present: Town Manager Michelle Eddy; Town Attorney Bob Widner; Chief of Police David Close; Deputy Clerk John DeBee; Code Ambassador Ryan Cyphert.

**WORK SESSION**

Discussion of Accessory Dwelling Units

Manager Eddy discussed the enclosed memo and current regulations.

Discussion of ADU versus improvements, potential restrictions that may be considered and put in place.

Discussion challenges and concerns including density and water availability. Discussion of potential using what exists to bring into compliance and permitted. Discussion of pros and cons and what it could look like. Discussion on how the land use may be managed. General discussion in favor for limiting use for long-term rentals.

Discussion to bring forward potential regulations as well as information on what the County and other municipalities allow and what we current believe exists.

**II. APPROVAL OF CONSENT AGENDA**

Motion made by Mayor Decicco, Seconded by Trustee Hopkins to approve the consent agenda. Voting Yea: Trustee Stimson, Mayor Decicco, Trustee Heckman, Trustee Willey, Trustee Hopkins, Trustee Slaughter. Motion passed unanimously.

- A. Minutes for October 15, 2024
- B. Approval of Bills-\$72, 221. 28

**III. COMMUNICATIONS TO TRUSTEES**

**Citizen Comments (Non-Agenda Items Only- 3-minute limit please). Any written communications are included in the packet.**

John Selstrom-Whispering Pines Circle: Remarked on his emailed communication included in the packet requesting an exception to the land use code concerning free standing flag poles.

Martie Semmer-Blue Grouse Trail: Handed out information on a presentation of "A Night With the Stars" event in Breckenridge.

Paul Semmer-Blue Grouse Trail: Remarked on the moratorium ordinance, the setback draft ordinance and the purchase of 0119 Bonanza.

- C. Email/Written Communications Received

**IV. PUBLIC HEARING**

D. Ordinance 2024-03 Establishing A Moratorium For Certain Development Within the Town To Allow For A Study of Natural Resource Areas and Natural Hazard Areas

Mayor Decicco opened the public hearing at 6:16 p.m.

Attorney Widner reviewed his memo and explained the ordinance which was previously approved via emergency ordinance in October.

Mayor Decicco closed the public hearing at 6:17 p.m.

Discussion on if this would impede development. It was noted that currently there are no pending plans and the moratorium could be reviewed if plans had been brought forward.

E. 2025 Town of Blue River Budget

Mayor Decicco opened the public hearing at 6:23 p.m.  
Manager Eddy reviewed the 2025 budget which was presented for first reading in October.  
No public comments were received.  
Mayor Decicco closed the public hearing at 6:24 p.m.

**V. ORDINANCE CONSIDERATION FOR APPROVAL**

F. Ordinance 2024-03 Establishing A Moratorium For Certain Development Within the Town To Allow For A Study of Natural Resource Areas and Natural Hazard Areas

Motion made by Mayor Decicco, Seconded by Trustee Hopkins to ratify Ordinance 2024-03 Establishing A Moratorium For Certain Development Within the Town To Allow For A Study of Natural Resource Areas and Natural Hazard Areas. Voting Yea: Trustee Stimson, Mayor Decicco, Trustee Heckman, Trustee Willey, Trustee Hopkins, Trustee Slaughter. Motion passed unanimously.

G. Introduction Ordinance 2024-05 Building Setbacks For Discussion Only

Attorney Widner reviewed his memo and proposed ordinance.  
Discussion that it makes sense based on how the roads were built versus platted. Discussion of the process for determining the measurement. It was noted it would be upon request, at the Town's expense to survey the road.  
Decision to move forward with drafting a final ordinance.

H. Introduction Ordinance 2024-06 Sheds Draft for Discussion

Manager Eddy and Attorney Widner reviewed the proposed ordinance.  
Discussion of purposes and processes. Discussion that the regulations should be reviewed and changed to state the sheds must match or compliment the main structure. Discussion that sheds over 200 square feet should be reviewed by Planning & Zoning Commission. Discussion to amend to restrict to no vehicles/cars.  
Discussion to have a flat rate fee administrative review to include boundary survey/plat, photos and must match or compliment the main structure. Discussion to make both permits consistent either all with administrative or all Planning & Zoning.

Suggestion to continue the discussion and bring back a couple of options for consideration in January.

I. Ordinance 2024-07 An Ordinance of the Board of Trustees of the Town of Blue River, Colorado, Amending Article I of Chapter 6 of the Blue River Municipal Code Pertaining to the Advertisement of Short-term Rentals

Manager Eddy reviewed the proposed changes for licenses in 2025. Motion made by Trustee Hopkins, Seconded by Mayor Decicco to approve Ordinance 2024-07 Short-term Rental Regulations. Voting Yea: Trustee Stimson, Mayor Decicco, Trustee Heckman, Trustee Willey, Trustee Hopkins, Trustee Slaughter. Motion passed unanimously.

**VI. RESOLUTIONS**

J. Resolution 2024-10 0119 Bonanza Purchase and IGA Approval

Manager Eddy noted the IGA has been approved by Breckenridge and Summit County and closing will take place on December 12, 2024. Motion made by Trustee Heckman, Seconded by Trustee Hopkins Resolution 2024-10 0119 Bonanza Purchase and IGA Approval. Voting Yea: Mayor Decicco, Trustee Heckman, Trustee Willey, Trustee Hopkins, Trustee Slaughter. Voting Nay: Trustee Stimson. Motion passed.

K. 2025 Town of Blue River Budget Resolutions

Motion made by Trustee Hopkins, Seconded by Mayor Decicco Resolutions 2024-11 to 2024-14. Voting Yea: Trustee Stimson, Mayor Decicco, Trustee Heckman, Trustee Willey, Trustee Hopkins, Trustee Slaughter

- Roll call:
- Stimson-Yes
- Decicco-Yes
- Heckman-Yes
- Willey-Yes
- Hopkins-Yes
- Slaughter-Yes

**VII. REPORTS**

L. Mayor & Trustee Reports

Mayor Decicco did not have a report.

Trustee Heckman reported on the Planning & Zoning Commission meeting.

Trustee Slaughter reported the Wildfire Council meets this week. He did attend the Division of Insurance presentation.

M. Attorney Report

No report

N. Staff Reports

Manager Eddy introduced the new Code Ambassador Ryan Cyphert.

**VIII. OTHER BUSINESS**

Trustee Stimpson requested for a work session to review a project on solar radar at a future meeting.

**IX. EXECUTIVE SESSION**

Motion made by Trustee Hopkins, Seconded by Mayor Decicco moved and seconded to hold an executive session and adjourn the regular meeting with no further business pursuant to CRS Section 24-6-402(4)(b) and (e) to receive legal advice concerning the law governing vested rights and the improvement to private property; and to hold an executive session pursuant to CRS Section 24-6-402(4)(b) and (e) to receive legal advice and instruct negotiators concerning a proposal and offer for the development and subdivision of property at 7:22 p.m. Voting Yea: Trustee Stimson, Mayor Decicco, Trustee Heckman, Trustee Willey, Trustee Hopkins, Trustee Slaughter. Motion passed unanimously.

**X. ADJOURN**

Heckman moved and Hopkins seconded to adjourned the executive session and the regular meeting at 7:57 p.m. Motion passed unanimously.

**NEXT MEETING - January 21, 2025**

*There is no meeting in December due to the special election.*

A tentative meeting is set for Tuesday December 10, 2024 to be held via Zoom. The meeting may be cancelled if there is no business to discuss.

*Reports from the Town Manager, Mayor and Trustees; Scheduled Meetings and other matters are topics listed on the Regular Trustees Agenda. If time permits at the work session, the Mayor and Trustees may discuss these items. The Board of Trustees may make a Final Decision on any item listed on the agenda, regardless of whether it is listed as an action item.*

Respectfully Submitted:

Michelle Eddy, MMC  
Town Clerk



# Town of Blue River

## Bill Payment List

November 29, 2024-January 16, 2025

DATE	NUM	VENDOR	AMOUNT
<b>1072 Bill.com Money Out Clearing</b>			
11/29/2024		The Town of Breckenridge	-\$4,425.38
12/04/2024		Marchetti & Weaver, LLC	-\$2,465.00
12/04/2024		Northwest Colo Council of Govt	-\$1,541.00
12/09/2024		Highland Galloway Investments	-\$48,816.67
12/09/2024		Office Depot Business Account	-\$126.18
12/09/2024		Charles Abbott Associates	-\$2,754.00
12/09/2024		Marchetti & Weaver, LLC	-\$1,363.50
12/18/2024		Widner Juran LLP	-\$5,997.50
12/18/2024		George Dicarlo	-\$150.00
12/18/2024		NEO Fiber	-\$6,776.25
12/26/2024		Digital-Ally	-\$6,121.00
12/27/2024		CivicPlus LLC	-\$4,347.00
12/27/2024		Colorado Department of Agriculture	-\$40.00
12/27/2024		Office Depot Business Account	-\$292.48
12/26/2024		Employers Council	-\$1,800.00
12/27/2024		Online Solutions	-\$1,938.90
01/02/2025		Adamson Police Products	-\$16.00
01/13/2025		Widner Juran LLP	-\$2,128.00
01/13/2025		Marchetti & Weaver, LLC	-\$1,380.75
01/13/2025		Charles Abbott Associates	-\$1,452.00
01/13/2025		Muller Engineering Co	-\$693.00
01/13/2025		Fresh & Clean Ltd.	-\$34.00
01/16/2025		Titan Tint & Graphics	-\$1,300.00
01/16/2025		Summit County Animal Control	-\$551.25
01/16/2025		Lexipol LLC	-\$3,379.66
01/16/2025		Timber Creek Water District	-\$250.00
01/16/2025		Drew Bagot	-\$150.00
01/16/2025		Upper Blue Sanitation District	-\$180.00
01/16/2025		Summit County 911 Center	-\$25,821.00
<b>Total for 1072 Bill.com Money Out Clearing</b>			<b>-\$126,290.52</b>
<hr/>			
<b>10010 Operating - Alpine Bank</b>			
12/04/2024	6582	Jennifer Kruse*	-\$500.00
12/10/2024	6583	Land Title Guarantee Company	-\$307,154.00
12/17/2024	6584	Helen Cospolich	-\$250.00
12/17/2024	6585	Jennifer Svingos	-\$250.00
12/17/2024	6587	Trevor DeBee	-\$250.00
<b>Total for 10010 Operating - Alpine Bank</b>			<b>-\$308,404.00</b>
			<b>-\$434,694.52</b>

To: Town of Blue River Mayor and Board of Trustees  
 From: Paul Semmer

Re: Communication to Trustees – Town of Blue River Road Issues  
 Date: January 12, 2024

Town of Blue River Mayor and Board of Trustees,

The issue being presented here deals with the Town of Blue River (Town) assertion of prescriptive rights to certain private property alongside the historically used public road system of Sherwood Lane in the Sherwood Forest Subdivision parallel to the western lot line of Lot 103, a distance of approximately 140 feet.

As the owner of Lot 103 since 1979 I have witnessed firsthand the snow plowing/storing operations of the various contractors that the Town has used to remove snow along Sherwood Lane and Blue Grouse Trail adjacent to Lot 103. From the early 1980's up to mid-1990's the plowing and road maintenance use occurred within the physical area of approximately 30 feet, including the 20-foot-wide road-right-of-way (r-o-w) as indicated on the 1961 plat for Sherwood Forest Subdivision (Reception Number 92845, February 2, 1961) and/or an additional area, parallel to the road, less than 10 feet into Lot 103 along Sherwood Lane.

Sometime in the mid-late 1990's, the Town plow operator began stacking snow beyond the historically used portion of the southern portion of Sherwood Lane immediately north of the intersection of Blue Grouse Trail. The snow was stacked in the perennial creek on Lot 103 that parallels the road for a distance of about 80 feet. I met with the Town Road Manager on site and asked that the snow not be piled in the creek as it was affecting the drainage flow pattern in the spring and potentially would cause the creek to be redirected toward the house on Lot 103. In addition, stacking snow and residual road base from snowpack removal in the spring was causing environmental impacts to the creek and riparian ecosystem, essentially filling the creek bed with compacted snow and excess road base. The Town Road Manager agreed and informed the plow contractor to stop doing so. Since that time, I have annually placed temporary snow poles along that portion of the road, as a reminder of the boundary of the right-of-way for road operations. As a result, snow stacking has not occurred along the 80-foot southern portion of the road into Lot 103 and the snow poles have been effective in delineating the historically used r-o-w for over 20 years.

Since the early 1980's, along the northern portion of Sherwood Lane adjacent to Lot 103 for a distance of about 60 feet to the NW corner of the lot, plow operations occurred within the 1961 plat for Sherwood Forest Subdivision and/or an additional historically used area, parallel to the road, less than 10 feet into Lot 103. The witness marks of damaged trees, broadcast road base, disturbed ground, distressed or altered native vegetation, as well as the visually obvious traveled and maintained surface of the road is the physical evidence indicating the historically used road r-o-w area. Additionally, in 2022, I contracted a professional land surveyor to prepare a lot line location survey to affirm the location of the corners and boundary lines of Lot 103 as well as the recorded road r-o-w and existing used road surface.

The January 2023 Town of Blue River Newsletter information on Snow Removal stated, "A reminder that there is a 10 ft road easement on both sides of the road to allow for snow removal. Crews do try to be aware of sensitive areas, however, there are designated snow storage areas in each subdivision." In February 2023 I sent an email to the Town Manager

expressing my concern that there is no recorded documentation for the “10 ft road easement on both sides of the road” and that the statement in the Newsletter implies that the Town has rights for a 40 ft right-of-way for road maintenance; being the 20 feet noted in subdivision plats or prescriptive road easement area and the arbitrary 10 feet on both sides of the road.

The Town’s Attorney responded with a very detailed definition of prescriptive rights and the Town’s assertion for such rights on the roads in Town. Basically, it is not the subdivision map that creates the easement, **it is the historic use of the land that creates the easement.** If the Town plowed the road (as it exists on the ground) and placed snow adjacent to the road for the past 18+ years and can prove that they used the landowner’s property, the Town holds an easement on the land that was actually used. (See Exhibit A-Blue River News January 2023 and Road Easements). The snow plowing and pushback/stacking activities over the last winter in the aforementioned portion of Sherwood Lane on Lot 103 are beyond the limits of what has historically occurred and therefore not subject to a prescriptive right.

In December 2023, I sent an email to [info@townofblueriver.org](mailto:info@townofblueriver.org) inquiring if the Town had a map showing where the designated snow storage areas are located and how these areas are identified on the ground. I was told there are no marked areas on a map or on the ground, the plow contractor stores snow where they have historically stored snow utilizing the 10 ft on the side of the roads, and the locations of snow storage areas were developed based on how plows move and operate and where it makes the most sense with the least amount of impact. The plow drivers work to be respectful of where and when landscape markers are placed. (See Exhibit B- Winter Plowing Operations).

The response indicates that the Town relies on the location of the recorded road r-o-w or prescriptive easement to designate snow storage areas. The former being defined by the recorded plat maps in those subdivisions where a road r-o-w was dedicated to the Town and prescriptive easements for roads in all other subdivisions; the prescriptive road easement being defined as an area, not necessarily on any maps, that has been historically used as a roadway. Prescriptive easements apply where the Town has historically, and for more than 20 years, openly, adversely, notoriously, and exclusively managed, maintained, repaired, plowed, and controlled for the purpose of providing for a road system accessible to the general public. To the best of my knowledge, there is no map, recorded plat, nor metes and bounds description identifying the boundaries of the prescriptive easement area along Sherwood Lane, and for that matter, any other roads on or adjacent to private property. The Town defines the limits of the prescriptive easement based on the Town’s definition of the r-o-w simply as having been used for more than 20 years, and there are no markings on the ground to indicate where the easements are located.

It is disconcerting that the Town is saying they can store snow “*where they have historically always stored snow utilizing the 10 ft on the side of the roads.*” If this is true then the Town is potentially claiming a road right-of-way width of 40 feet, 20 feet for the travel way and 10 feet either side of the road for snow storage, whether or not it has actually historically used that amount of land. Yet this is contradicted with the statement “*The drivers work to be respectful of where and when landscape markers are placed*”; which implies snow storage areas may change over time, and somewhat dependent on the judgement of the plow operator who determines “*where it makes the most sense with the least amount of impact.*”

Unless the landowner and Town agree on the boundaries of the prescriptive easement as “10 ft ... on both sides of the road” is an arbitrary assumption when defining a historically used parcel of land that may have unique physical characteristics that define the limits of the

easement area. Specifically, environmental attributes (native and planted vegetation, steep slopes, large rocks, nearness to sensitive habitats, water, etc.) and man-made features (driveways, leach fields, utility poles, landscape improvements, authorized structures with a setback, etc.) along a roadway may dictate the boundaries of the easement area. By definition, it is **the historic use of the land** that creates the limits of the easement and not a predetermined number (10 feet) to apply to all roads claimed as prescriptive rights.

Additionally, without some formally designated snow storage areas, decided upon in collaboration with the lot owner, Town, and its road maintenance contractor(s), it is inevitable that lot owners can and will be putting up more markers and barriers (including berms and landscaping) in areas historically used for snow storage. This creates issues as snow accumulates and road widths will begin to narrow. For the benefit of the landowner, Town and road maintenance contractors, the boundaries of the prescriptive easement r-o-w must be clearly identified, either on the ground, on maps and mutually agreed upon by all parties.

The March 2024 Town of Blue River Newsletter information on Winter Plowing Operations stated, *“Crews have begun to remove snowpack ahead of the spring melt and will work to minimize the spring slush/rut cycle.”* In response to that notice, I sent an email to the Town asking it to recognize the ramification of the work being done along the Town roads and included documentation of those issues and concerns along with recommendations to move forward. Additionally, I insisted that the Town snow removal contractor not stack additional snow or snowpack off the historically used road r-o-w on Lot 103, and I set temporary snow poles and signs in the ground to mark the limits of the area for road maintenance. (See Exhibit C1 “Urgent Winter Road Maintenance Issues-Correspondence” and Exhibit C2 “Urgent Winter Road Maintenance Issues-March 5, 2024”). The Town response was very general in saying that the plow operator will do their best to push past my lot property and that accommodation does not constitute a relinquishment of the Town’s prescriptive easement. However, during the spring of 2024 the plow operator pushed and stacked snow beyond the historically used portion of the north end of Sherwood Lane. Snow was pushed back and stacked an additional 5-10 feet beyond the historically used snow storage area and prescriptive easement.

The March 14, 2024 Board of Trustees (BOT) meeting included a discussion on “Snow Removal Hauling”. (See Exhibit D - Board of Trustees Meeting March 14, 2024). There was a discussion about snow removal and if and how the Town might consider hauling snow away if there was no room to push and stack it along the road. The Town Manager reported that it costs too much to haul and there’s no place to put it. Minutes of the meeting suggest reviewing where areas become narrowed and need to have the snow hauled out of the area on an as needed basis and consider areas where snow stacking takes place. The BOT decided *“... to take time to review over the summer for next winter.”*

After that meeting, I erroneously thought I could place “no snow storage” signs along the historically used r-o-w of Sherwood Lane and Blue Grouse Trail and limit snow stacking that was planned to occur yet that spring. The location of the signs was based on the interpretation of the road r-o-w location as presented by Attorney Widner in 2/2/23 (See Exhibit A-Blue River News January 2023 and Road Easements). Specifically, the Town’s right to use a landowner property for snow storage is *“..only what the Town has historically used.”* I was issued a Notice of Violation for not having followed the Land Use Code regulations dealing with sign installation. I accept full responsibility for the actions I took in the spring of 2024 in not following the proper protocol for installing temporary signs to protect my property rights. I immediately removed the signs as requested in the violation notice. However, I have not given up my private lands rights

to assert that the Town has exceeded its authority to extend snow plowing activities beyond the historically used r-o-w on Sherwood Lane.

At the June 2024 BOT during Public Comment, I again expressed my concerns for road maintenance and referenced an eight page "Communications to Trustees - Winter Road Maintenance in the Town of Blue River, Date: 5-5-24" that was included in the BOT packet. (See Exhibit E1-"6-13-24 BOT Meeting" and Exhibit E2-"Winter Road Maintenance Issues 5-5-24"). The documents reference my comments made at the February 8, 2024 BOT meeting Work Session on Roads Maintenance & Planning and present recommendations to address the ongoing issues and concerns with the Town's road maintenance operations.

The BOT continued its focus on the road maintenance issue during its July 2024 meeting work session "Discussion of 2024-2025 Plow Contract". Both the summer and winter road maintenance contractors were present at the work session, and all agreed that the Town of Blue River is a unique situation that does not have effective road maintenance ditches and in the winter does not have anywhere to put snow. During discussions on the snow removal contract, it became apparent that the Town is hesitant to take on a comprehensive town-wide approach to designating areas for snow storage nor hauling snow off site. Rather the BOT consensus was that if there is a specific problem, it needs to be handled on a case-by-case basis and that the lot owner is the only one that can bring forward the issue as it affects their property. (See Exhibit F-Town of Blue River Board of Trustee Meeting July 16, 2024).

Based on the information noted above from the last two years and the specific direction stated by the BOT at its July 2024 meeting, I began communicating with the Town Manager to install signs along a 60-foot section of Sherwood Lane adjoining the western boundary of Lot 103. Specifically, on September 18, 2024, well in advance of the winter season, I emailed the Town to send me any information and permit requirements to install temporary signs to delineate snow storage areas on private lots in Town and subject to the guidelines in the Land Use Code Article 8 Signs, Sec.16B-8-50.

The Town Manager responded that no permit was needed and outlined conditions for the placement of the signs. (See attached Exhibit G – 9/18/24 Email RE: Is a permit required to install temporary signs on a lot). Following the conditions in the 9/19/24 email, I installed 3 **temporary** signs on November 1, 2024, before the Town snow removal contract began in order to clearly identify, for the benefit of the snowplow contractor, where the Town has historically stored snow along Sherwood Lane adjacent to Lot 103. The signs are temporary information signs meant to be removed at the end of the winter season. They are not permanent signs, and I have no intention of continuing to install such signs in the future as long as snowplow operators demonstrate that they are adequately informed on where it is permissible to store snow along Sherwood Lane adjacent to Lot 103.

On November 27, 2024 I was sent a "Notice and Demand" letter stating "...*conditions were observed at 0272 Blue Grouse Trail ... which violate the Blue River Municipal Code..*" specifically dealing with "... *multiple signs illegally erected...*" in violation of Sec. 16B-8-30, Illegal Signs and Sec. 16B-8-40 **Permanent Signs** [emphasis added]. For the record, there were only 3 temporary signs erected on Lot 103, not "*multiple signs*". In addition, the three photos of the signs. included in the "Notice and Demand" letter, are not the signs I installed on Lot 103. This mistake leads me to wonder if the Town does not know where the lot lines of Lot 103 are located on the ground.

I complied with the corrective action required in the letter and removed the signs on Lot 103 on December 12, 2024. However, I stand firm that I have not done anything wrong nor acted in violation of the Land Use Code. The three temporary signs I installed on Lot 103 were placed at the outside edge of the historically used r-o-w following the conditions outlined by the Town Manager. Specifically, the signs were placed “*no closer than seven (7) feet from any lot line or right-of way.*” I have also asked for clarification on why seven feet is specifically referenced, as it does not correlate with the Town’s assertion that “*there is a 10 ft road easement on both sides of the road to allow for snow removal.*”

For the last several years, in writing and speaking at Board of Trustee meetings, I have communicated concerns about the Town’s administration and management of road r-o-w issues (both summer and winter operations). As recently as the 11/19/24 Board of Trustee meeting concerning “Draft Ordinance 2024-05 dealing with Building Setbacks”, the topic of r-o-w boundaries was discussed and specifically the issue of creeping beyond the r-o-w onto private property as well as protecting the Town’s rights to use and maintain the historical road r-o-w. Language in the Draft Ordinance 2024-05 states that the Town has either a deeded r-o-w or prescriptive easement for all constructed roads that the Town has, “**historically and for more than 20 years** [emphasis added], *openly, adversely, notoriously, and exclusively* [emphasis added] *managed, maintained, repaired, plowed, and controlled for the purpose of providing for a road system accessible to the general public.*” The signs I installed are located beyond the boundaries as defined in the draft ordinance and especially related to such land being historically and exclusively used for road purposes.

Last winter was the first time in well over 20 years snow was stacked intentionally beyond the prescriptive easement road r-o-w boundary along Lot 103 on Sherwood Lane. I installed the signs in November to inform and remind the plow operator of the historical boundaries of snow maintenance operations in conformance with the temporary sign guidelines I received from the Town Manager. I maintain that I have not done anything wrong nor acted in violation of the LUC.

The November 27, 2024 Notice and Demand is an inappropriate and overly aggressive action, as well as a misguided approach, to addressing an issue (property rights related to prescriptive easements) that has been on the table for some time and remains unresolved. Rather, the Town chose to assert its authority and interpretation of a sign code violation, contradictory to the direction given to me by the Town Manager when I approached the Town with my intent to install the signs in September. Instead of taking the time to address the broader, as well as specific, issues regarding snow storage, the Town waited until the signs were in place and it became an issue when the plow operator expressed concerns that they could not be trespassing on the land they used only last year – which is clearly outside the prescriptive road r-o-w.

I agree with Attorney Widner’s explanation that “*.. a prescriptive easement will be created where the party [Town of Blue River] can prove that they used the landowner’s property: (1) in an open manner (known or should be known), (2) **continuous and without effective interruption for an 18-year period** [emphasis added], and (3) adverse to the rights of the landowner.*” I also agree with the conclusion by Attorney Widner that “*... the ability to defend a prescriptive easement is **fact based** [emphasis added],, and only by a legal challenge, evidence, and a judge’s decision would you be able to definitively say that a prescriptive easement exists.*”

It is a matter of fact that I have witnessed firsthand the snow plowing/storing operations of the various contractors that the Town has used to remove snow along Sherwood Lane and Blue

Grouse Trail adjacent to Lot 103 for over four decades. The historically used road r-o-w pursuant to a prescriptive easement is indicated by the witness marks of damaged trees, broadcast road base, disturbed ground, distressed or altered native vegetation, as well as the visually obvious traveled and maintained surface of the road. From the early 1980's up to last winter the plowing and road maintenance use occurred within the physical area of approximately 30 feet wide along Sherwood Lane, including a 20-foot-wide road surface and an additional area for snow storage, parallel to the road, less than 10 feet into the northern portion of Lot 103. What factual, evidentiary proof does the Town have to verify its "*continuous and without effective interruption for an 18-year period*" of the area outside the historically used area along Sherwood Lane that occurred last year?

An additional fact is that last season's snow removal operations have trespassed 5-10 feet beyond the historically used snow storage area and prescriptive easement of the north end of Sherwood Lane. I believe that my actions to place temporary informational signs, consistent with the direction given by the Town Manger, to delineate the boundary of the prescriptive easement r-o-w is not a violation of the LUC, but rather my efforts to protect my private property rights.

The continuous "kicking the can down the road" dealing with road issues (summer and winter) is parallel with the Town's continual encroachment onto private land rights, not only as it relates to Lot 103, but also other properties throughout Town. The intentional and unintentional creeping outside the historically used road r-o-w in the last few years, leading to future prescriptive easement assertions, is an insincere solution to snow storage issues and increased demands for better road maintenance. Such actions by the Town only leads to continued questionable trust in the Town's direction to uphold the Town mission statement, "*...nurture our serene mountain community by conserving our natural residential environment, promoting unity with our neighbors and surroundings, channeling the voice of our residents, and enhancing the quality of life for all.*"

Asserting prescriptive rights without proof may likely lead to future legal challenges to acquire needed easements. Furthermore, when the Town starts to use private property outside its prescriptive or deeded easement r-o-w it is a "taking" of private property rights and the Town may be liable for damages to private land and personal property when trees are damaged, address signs and road delineate posts and telephone pedestals are pushed over, manmade landscape features are buried, and other personal items buried or damaged with tons of snow stacked on top including road base shavings and residual mag chloride – in spite of the efforts of the road maintenance contractors to "*be respectful of where and when landscape markers are placed*".

I respectfully request that you to revisit the comments I presented in Exhibit E2-"Winter Road Maintenance Issues 5-5-24" and seriously consider the following recommendations to address the ever-present issues and concerns with the legacy of the historic roads in the Town of Blue River:

- Make it a priority action item for the Town's 2025 -26 program of work to thoughtfully evaluate what rights and responsibilities the Town and lot owners have within the rights-of-way of all roads in town.
- Prepare a comprehensive road management plan that addresses legal easements, road standards, acquisition of new easements and updated evaluation of CIP projects, in addition to the annual program of work for road maintenance.
- Survey the legal r-o-w of all roads, as needed, and determine where snow storage areas are appropriate.

- Conduct a survey of vacant lands within and adjacent to the Town that may be suitable for off-site snow storage and evaluate the feasibility for transporting snow to designated sites on an as needed basis.
- Negotiate with lot owners to obtain authorizations for snow storage and widened road r-o-w on a case-by-case basis.
- **Stop the creep of road maintenance and continued encroachment on private lands.**
- Talk with lot owners, who know the boundaries of their lots and road r-o-w, to determine the acceptable area(s) for roadway travel, snow storage areas and specific road maintenance considerations (e.g. application of mag chloride and road base).
- Establish an appropriate sign ordinance to designate snow storage areas.
- Compensate landowners for damage done to private property outside the r-o-w.
- Roads may be narrower in the winter and consider one lane and one-way roads where the r-o-w width does not allow for adequate snow removal for two-way travel.

Sincerely,

Paul Semmer  
Lot 103 Sherwood Forest

Enclosures

- Exhibit A – Blue River News January 2023-Road Easements
- Exhibit B – Winter Plowing Operations
- Exhibit C1 – “Urgent Winter Road Maintenance Issues-Correspondence”
- Exhibit C2 – “Urgent Winter Road Maintenance Issues-March 5, 2024”
- Exhibit D – Board of Trustees Meeting March 14, 2024
- Exhibit E1 – “6-13-24 BOT Meeting”
- Exhibit E2 – “Winter Road Maintenance Issues 5-5-24”
- Exhibit F – Town of Blue River Board of Trustee Meeting July 16, 2024
- Exhibit G – 9/18/19 Email RE: Is a permit required to install temporary signs on a lot





## EXHIBIT A –Blue River News January 2023 and Road Easements

**From:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Sent:** Thursday, February 2, 2023 8:01 PM  
**To:** 'Michelle Eddy' <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>  
**Subject:** RE: Blue River News January 2023

Thanks Michele, and Bob.

Excellent clarification to my question.

Bottom line, if the Town plowed the road (as it exists on the ground) and placed snow adjacent to the road for the past 18+ years the Town has the right to continue to do so.

Thanks again for the quick reply.

**From:** Michelle Eddy <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>  
**Sent:** Thursday, February 2, 2023 3:50 PM  
**To:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Subject:** RE: Blue River News January 2023

Paul

So that you can have a complete answer to your question, I had Bob provide the necessary information.  
 Thank you

Michelle

You asked for advice related to the Town's right to use the roads in the Town over which a prescriptive easement has been created. More specifically, you asked whether the Town can claim the legal right to place snow removed from the roads along the side of the road. To best understand this advice, some background on a "prescriptive easement" is needed.

- A prescriptive easement is a property interest acquired through a party's unauthorized use of another person's land (the "landowner").
- A prescriptive easement is recognized by state statute (CRS 38-41-401 and judicial decisions).
- A prescriptive easement will be created where the party can prove that they used the landowner's property:
  - (1) in an open manner (known or should be known),
  - (2) continuous and without effective interruption for an 18-year period, and
  - (3) adverse to the rights of the landowner.

When these 4 elements are present, by law, the person will automatically hold a right to continue the use even though the landowner objects to the use.

- The "extent" of the prescriptive easement is "what the person used the landowner's property for." If the person drove their car through the same part of the landowner's land whenever they wanted to and every few days for 18 years, then the extent of the prescriptive easement is an easement to allow the person to continue to drive a car on the same land when they want to. The prescriptive easement does not allow the person to build a shed, store pipes, hold a race car event, or park cars on the easement. The historical use is what is allowed to continue.
- For the Town, the Town has adversely, openly, actually, and continuously used the roads in the Town for public access and public transportation to the benefit of the general public. The Town has maintained the roads, plowed snow from the roads, prohibited any development on the roads, managed access points, managed traffic and traffic safety, installed drainage and utility systems, installed signs, openly claimed the roads as public assets, claimed the roads for purposes of HUTF allocation to the Town, insured the roads, all as the presumptive holder of a prescriptive easement or as owner or what is now +60 years. No one ever effectively stopped the Town from exercising control over the roads and the Town's use or the roads was clearly known to everyone. So, the Town has a prescriptive easement on all the land that they have used for the last 60 years.
- The extent of the Town's prescriptive easement is to allow the Town to keep doing what the Town has done for 60 years. If a landowner today closed off the road or tried to stop the Town's use of the road for the public, the Town can legally enforce its easement and prevent the landowner from stopping the Town's use.
- Obviously, the ability to defend a prescriptive easement is fact based, and only by a legal challenge, evidence, and a judge's decision would you be able to definitively say that a prescriptive easement exists. But for Blue River, it seems more likely than not that the Town can prove the elements of the easement and today holds a prescriptive easement on the roads the Town claims as public.

Turning to the right to plow snow from the road and place the snow on the properties adjacent to the road, that is part of the Town's prescriptive easement. So, it is not only the travelled portion of the road on which the Town holds a prescriptive easement, but the easement extends to the area the Town has historically used for 60 years for the placement of plowed snow. The extent or limit of the Town's right to use a landowner property for snow storage is only what the Town has historically done. The Town cannot decide today to put all the snow from a street only on one property if what the Town historically did was plow evenly along the road placing snow on the sides of the road along every lot on the road.

Sometimes residents will look to the plat maps of the municipality and argue that the maps create the limits of the municipality's easement rights. That is, they argue that the municipality can only claim a right to use the area shown as a platted road. And, if the plat

does not illustrate snow storage areas, then the Town has no right to use any lands for snow storage. This argument is misguided – it is not the map that creates the easement, it is the historic use of the land that creates the easement. This is why a municipality can claim a prescriptive easement that is adjacent to or outside of a platted private easement for a road. If the Town never used the platted road easement area, but only used land near or adjacent to the platted easement, the municipality holds an easement on the land that was actually used. The map is irrelevant when it comes to creating a prescriptive easement.

Let me know if you have any questions or I missed your question entirely with this answer.

Robert (Bob) Widner  
Widner Juran LLP

*Michelle Eddy, MMC/CPM  
Town Manager/Clerk  
970-547-0545 ext. 1/ Cell: 970-406-2430  
<https://townofblueriver.colorado.gov>*

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**From:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Sent:** Wednesday, February 1, 2023 4:56 PM  
**To:** Michelle Eddy <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>  
**Subject:** RE: Blue River News January 2023

Michelle,

In reading this month's newsletter I took note of the following statements under the Snow Removal information:

"A reminder that there is a 10' road easement on both sides of the road to allow for snow removal. Crews do try to be aware of sensitive area, however, there are designated snow storage areas. in each subdivision."

I believe the prescriptive easement for the town roads is a 20 ft wide right-of-way defined as 10 feet either side of the road center line, as dedicated on the subdivision plats. There is no additional easement for 10' on both sides of the road for snow removal. The statement in the Newsletter implies that the town has rights for a 40 ft right-of-way for winter road maintenance. Did the town acquire a separate "10' road easement on both sides of the road to allow for snow removal"?

Is there a map showing where the "designated snow storage areas in each subdivision" are located? And, are such areas designated on the ground? Since we have owned our lot in town, I haven't seen any designated areas in Sherwood Forest unless the lot owner sets snow poles and talks to the town plow operator at the beginning of the season. Prior to me designating the snow removal area, the town contractor would decide where to push snow off the road, and often at the cost of damaging trees, shrubs and damming a creek on our lot.

Hope to get clarification on this issue.

Thanks,  
Paul

**EXHIBIT B – Winter Plowing Operations**

**From:** info <[info@townofblueriver.org](mailto:info@townofblueriver.org)>  
**Sent:** Tuesday, December 5, 2023 3:29 PM  
**To:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Subject:** RE: Winter Plowing Operations

Paul

As you are aware, there are no marked areas on a map or on the ground where they store snow. I have verified with our contractor that they store snow where they have historically always stored snow utilizing the 10' on the side of the roads. In addition, they have followed the same pattern and snow storage areas utilized by Bob Byron. This means, they store snow in the same spots that have been used for at least the last 30 years. The only differences, which is rare, is when a new home is built and a driveway installed. The location of snow storage areas was developed based on how plows move and operate and where it makes the most sense with the least amount of impact.

The drivers work to be respectful of where and when landscape markers are placed. They have noted this year that as more markers and barriers are placed in areas historically used for snow storage, it will create issues as snow accumulates in that road widths will begin to narrow.

Thank you

*Michelle Eddy, MMC/CPM*  
Town Manager/Clerk  
970-547-0545 ext. 1/ Cell: 970-406-2430  
<https://townofblueriver.colorado.gov>

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**From:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Sent:** Tuesday, December 5, 2023 2:32 PM  
**To:** info <[info@townofblueriver.org](mailto:info@townofblueriver.org)>  
**Subject:** RE: Winter Plowing Operations

Are the areas marked on the ground in any way? Or, does the plow operator look for the wide vacant spot to stake snow?  
Paul

**From:** info <[info@townofblueriver.org](mailto:info@townofblueriver.org)>  
**Sent:** Monday, December 4, 2023 4:46 AM  
**To:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Subject:** Re: Winter Plowing Operations

Paul

As you have asked in the past and I have answered, we do not have a map of the snow storage areas.

Thank you  
Michelle Eddy, MMC/CPM  
Town Manager/Clerk  
Sent from my iPhone-(970)406-2430

On Dec 3, 2023, at 3:59 PM, Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)> wrote:

I notice that the recent Town newsletter has the following information on snow plowing operations:

**Winter Plowing Operations**

Snow is in the air and hopefully this snow season will be a great winter season of moisture. A reminder that snow storage is used on both sides of the road to allow for snow removal. Crews do try to be aware of sensitive area, however, there are designated snow storage areas in each subdivision. Please ensure all items are moved away from the roads to allow for the proper snow storage. If you see the crews out, feel free to reach out to them with any questions or to bring something to their attention.

Does the Town have a map showing where the “designated snow storage areas in each subdivision” are located?  
How are these areas identified on the ground?

Thanks,  
Paul Semmer

**EXHIBIT C – Urgent Winter Road Maintenance Issues  
Correspondence**

Robert Widner [rwidner@lawwj.com](mailto:rwidner@lawwj.com)  
Tue 3/12/2024 9:57 AM

Dear Mr. Semmer:

The Town claims and holds a prescriptive easement on a portion of your property resulting from more than 50 years of snow plowing in front of the lots along the public roads. The easement has historically allowed for the removal of snow in order for you and your neighbors to gain access to the public street. Absent the annual use of this prescriptive easement, your property would likely be challenged during higher snow years to gain access to the road.

Together with the prescriptive easement, I understand that the Town also holds permanent easements on property adjacent to your lot. The Town has used, when available, those permanent easements for snow storage associated with the public road in front of your residence (to your benefit). Although the Town will seek to accommodate your request, that accommodation does not constitute a relinquishment of the Town's prescriptive easement. The Town must necessarily use the prescriptive easement when needed so you can gain access.

I appreciate your understanding.

Robert (Bob) Widner  
Town Attorney  
Town of Blue River



Widner Juran LLP  
13133 E. Arapahoe Road, Suite 100  
Centennial, Colorado 80112  
[rwidner@lawwj.com](mailto:rwidner@lawwj.com)  
Phone: (303) 246-6131  
[www.lawwj.com](http://www.lawwj.com)

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Michelle Eddy [michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)  
Tue 3/12/2024 8:39 AM

Thank you Paul

The crews will do their best to push past your property.

*Michelle Eddy, MMC/CPM*  
Town Manager/Clerk  
970-547-0545 ext. 1/ Cell: 970-406-2430  
<https://townofblueriver.colorado.gov>

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**From:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Sent:** Monday, March 11, 2024 7:08 PM  
**To:** Michelle Eddy <[michelle@townofblueriver.org](mailto:michelle@townofblueriver.org)>  
**Subject:** RE: Winter Road Maintenance

Michelle,

Thanks for the quick reply.

Until the comments and concerns expressed in my email are adequately addressed, we insist that the Town snow removal contractor not stack additional snow or snow pack off the road r-o-w on Lot 103.

The boundary of the road r-o-w maintenance along Sherwood Lane and Blue Grouse Trail adjacent to Lot 103 was delineated at the beginning of the winter season. The location of the road r-o-w is based on a professional land line survey for Lot 103, and adjacent lots, that was done last year. Snow poles and signs were set in the ground to mark the limits of the area for road maintenance. While the Town plow operator has ignored many of those signs this year and has pushed snow beyond the road r-o-w, we expect that not to continue as work is yet to be done to removal additional snow and pack removal this spring.

We would appreciate an acknowledgement of this request.

Paul and Martie Semmer

**From:** info <[info@townofblueriver.org](mailto:info@townofblueriver.org)>  
**Sent:** Monday, March 11, 2024 12:03 PM  
**To:** Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)>  
**Subject:** Re: Winter Road Maintenance

Thank you. We will take your comments and suggestions into consideration.

Michelle Eddy, MMC/CPM  
Town Manager/Clerk  
Sent from my iPhone-(970)406-2430

On Mar 11, 2024, at 11:12 AM, Paul and Martie Semmer <[semmer@colorado.net](mailto:semmer@colorado.net)> wrote:

The recent Blue River News posted a notice on Winter Plowing Operations stating "Crews have begun to remove snowpack ahead of the spring melt and will work to minimize the spring slush/rut cycle."  
Snow pack removal was recently done in the Royal subdivision.

Before additional work is done in the next few weeks, it is urgent that the Town recognize the ramification of the work currently being done. The attached "Urgent Winter Road Mtce Issues.pdf" documents our issues and concerns along with recommendations to move forward.

Thank you for your attention on this important matter.

Paul Semmer

## Winter Road Maintenance in the Town of Blue River

During the February 8, 2024 Board of Trustees meeting I made a public comment regarding road maintenance. Specifically, I expressed concerns dealing with road maintenance activities taking place outside the road right-of-way (r-o-w). Many of the original Town roads were located and established based on what worked on the ground and not necessarily what was recorded on the subdivision plats. Although many of the roads are formally recorded as being 20 feet in width, the current use far exceeds that when considering drainage ditches, culverts, traffic signs, widened curves and intersections and areas for snow storage. To the best of my knowledge no effort has been made to document the change in use, either by obtaining recorded easements or other land use agreements with lot owners to use lands adjacent to the original 20 ft wide r-o-w.

The December 2023 Blue River News included the following notice:

### Winter Plowing Operations

Snow is in the air and hopefully this snow season will be a great winter season of moisture. A reminder that snow storage is used on both sides of the road to allow for snow removal. Crews do try to be aware of sensitive area, however, there are designated snow storage areas in each subdivision. Please ensure all items are moved away from the roads to allow for the proper snow storage. If you see the crews out, feel free to reach out to them with any questions or to bring something to their attention.

Earlier this winter season, I asked Staff “Does the Town have a map showing where the ‘designated snow storage areas in each subdivision’ are located?” Staff responded saying:

- There are no marked areas on a map or on the ground where snow is stored.
- The contractor stores snow where they have historically always stored snow utilizing the 10’ on the side of the roads that have been used in the past.
- The location of snow storage areas was developed based on how plows move and operate and where it makes the most sense with the least amount of impact. And,
- The drivers work to be respectful of where and when landscape markers are placed.

As lot owners place markers and barriers on their private property in areas historically used for snow storage, more snow accumulates in the road, road widths begin to narrow, and new areas to store snow are found. A similar situation exists beyond snow removal activities along roads where traffic signs, drainage ditches, culverts and widened areas for curves and enhanced sight distance at intersections is needed. Staff noted that “10’ on the side of the roads that has been used in the past” is where such use occurs, implying that the road r-o-w can be 40 feet wide! When the legal road r-o-w is only 20 feet wide, the road maintenance activities are clearly outside the r-o-w and trespassing on private property. Where is it recorded that the Town has a legal right to the full 40 feet being used for road maintenance? Has this been documented to assert a prescriptive right-of-way?

There are inevitable impacts to private land and personal property as trees are damaged, address signs and road delineate posts and telephone pedestals are pushed over, manmade landscape features are buried, and other personal items buried or damaged with tons of snow stacked on top –in spite of the efforts of the road maintenance contractors to “be respectful of where and when landscape markers are placed”. In addition, the continued encroachment on private lands for road maintenance activities outside the documented r-o-w is infringing on private property rights.



## Typical Town of Blue River Winter Road Maintenance



The recent Blue River News posted a notice on Winter Plowing Operations stating “Crews have begun to remove snowpack ahead of the spring melt and will work to minimize the spring slush/rut cycle. As the pack is removed, snow will be placed along the road right-of-way as in years past.” The pages that follow include a series of photos taken over the last few weeks that show various roads in subdivisions throughout Town where the contractor has removed the snowpack and placed it along the road r-o-w. The photos are alarming and show piles of snow in excess of 8 feet tall and more than 10 feet beyond the r-o-w. (Figures 3, 9, 12 & 14). In some cases, the plow operator has intentionally ignored snow poles that designate an area to avoid and stacked snow on either side of the poles or pushed them over altogether. (Figures 19 & 20). Trees that are outside the r-o-w, and have never been damaged before, show witness marks of the recent snow removal activity. (Figures 11 & 18). Recently placed boulders along Coronet Drive to define the roadway for summer use have been pushed away and buried in the snowpack. (Figure 9). Traffic signs are barely visible. (Figure 14). The Town Park is becoming buried and unsightly to use. (Figure 2). Snow is being pushed off the road and dumped in the live water channel along the Blue River (Figure 13) and Pennsylvania Creek (Figure 10).

The notice on Winter Plowing Operations is right that “this is a messy process...” around town. It is a fact of life that we have to deal with snow removal on our road system with long winters at 10,000 feet in a community that was designed 60 years ago and did not plan for the level of development and winter use that we have today. However, is the Town aware of the extent of the mess it is allowing to occur on private lands outside the road right-of-way and overall aesthetic landscape around our “our serene mountain community”?

What can be done about this?

- As soon as possible, including the March snow removal activities, stop pushing/stacking snow outside the legal road r-o-w and **start transporting it to acceptable off-site storage areas.**
- Make it a priority action item for the Town's 2024 program of work to thoughtfully evaluate this situation and develop an implementation strategy to resolve the issue along with a comprehensive road management plan that addresses legal easements, road standards, acquisition of new easements and focused CIP projects.
- Survey the legal r-o-w of all roads and determine where snow storage areas are needed.
- Negotiate with lot owners to obtain authorizations for snow storage and widened road r-o-w on a case-by-case basis.
- Stop the creep and continued encroachment on private lands.
- Talk with lot owners, who know the boundaries of their lots and road r-o-w, to determine the approved area for road use and snow storage areas.
- Compensate landowners for damage done to private property outside the r-o-w.
- Accept the fact that roads will be narrow in the winter.
- Consider one lane and one-way roads where the r-o-w width does not allow for adequate snow removal for two-way travel.

We urge you to consider the comments above as the Town moves forward in addressing Roads as a high priority item for 2024.

Respectfully,  
Paul and Martie Semmer

Figure 1. Wilderness Road & Blue River Road



Figure 2. Coronet Drive at Town Park



Figure 3. Davis Court and Silverheels Road



Figure 4. Blue River Road and Mountain View Drive



Figure 5. Calle de Plata



Figure 6. Whispering Pines Circle in Timber Creek Estates



Figure 7. Starlit Lane



Figure 8. Sherwood Lane



Figure 9. Coronet Drive



Figure 10. Regal Circle and Coronet Drive – Town Park



Figure 11. Sherwood Lane



Figure 12. Blue Grouse Trail



Figure 13. Theobald Way



Figure 14. Royal and Blue River Road



Figure 15. Blue River Road



Figure 16. 97 Circle and Hwy 9



Figure 17. Sherwood Lane



Figure 18. Sherwood Lane



Figure 19. Blue Grouse Trail



Figure 20. Blue Grouse Trail





**EXHIBIT D– Board of Trustees Meeting March 14, 2024**

The Town of Bue River Board of Trustees 3/14/24 meeting agenda included a discussion on Snow Removal Hauling. Below are the minutes related to that discussion.

**G. Snow Removal Hauling**

There was a discussion of snow removal and snow storage. Information and quotes were provided by the snow contractor, Highland Excavating and the road contractor, G & G Services. Manager Eddy reviewed what the contractors provided for quotes and recommendations. Town Attorney Widner reviewed the prescriptive easements and what has taken place over the last 60 years. He noted this happens throughout the State by towns and the State as snow is removed from roads onto private property.

Discussion of options and challenges. Discussion to review where areas become narrowed and in need to have the snow hauled out of on an as needed basis. Perhaps develop where snow stacking takes place. Decision to take time to review over the summer for next winter.

Recording <https://www.youtube.com/watch?v=-DC7vlwTkTo> 2:27:15 to 2:47:08

Specific comments on r-o-w by Fossett 2:39:50—2:41:00

Specific comment by Mayor Babich to task Town Manager to work with plow contractor and look into the matter of specific sites for snow storage --- 2:42:40 – 2:47:08





**EXHIBIT E1– Board of Trustees Meeting June 13, 2024**

BLUE RIVER BOARD OF TRUSTEES REGULAR MEETING JUNE 2024 - Minutes  
June 13, 2024 at 5:00 PM  
<https://www.youtube.com/watch?v=gTlajPPyUyE>  
(Audio Recording 00:04:10 – 00:09:40 (Public Comment by Semmer) and

Public Comment on Road Maintenance and reference to document included in the packet (5-5-24 Winter Road Mtce Issues\_Semmer memo to BOT.pdf, 8 pages



EX F1\_5-5-24 Winter  
Road Mtce Issues\_Sr

**G. Review of Plow Contract**

The Town's Plow Contractor was present. Discussion on the current contract which is up for renewal. Trustee Stimpson noted he believes the contractors have been doing a good job. Trustee Hopkins noted the road base that was scrapped up and if there is a way to mitigate it. Mr. Allen noted it's an issue in the spring when the road gets soft during a plow and it's better to drive the roads versus plowing. He noted it was during the road cut time. Trustee Heckman noted that it depends on the spring and not much that can be done. Mr. Allen noted the roads soften in the spring and it becomes an issue with scraping. He suggested in the spring use more discretion in the spring. Discussion of timing of plowing and determining when to go out. It's generally 4" in a 24-hour time period unless it's a multi-day storm and then they try to time it out. Discussion of the run-off and the culverts clogging and then the road base that ends up in the ditch. Trustee Pilling recommended a roads commission be established in the future. Trustee Hopkins asked about extending the contract into May. Discussion to have a work session on the plow contract and provide recommendations back to the contractor for revisions and discussion of a roads committee

VII. REPORTS K. Mayor No report. L. Trustees Reports/Comments Trustee Heckman-reported on the variance recommendation and approved an addition. They discussed limiting the building amount in the buildable area. Trustee Stimpson-requested establishing a road maintenance committee and to serve as a liaison. The Committee would be a proactive committee to provide recommendations to the Trustees. He requested either the road contractor or plow contractor or their crew representatives on the committee. Discussion of potentially hiring a roads manager/public works. Trustee Stimpson left at 7:50 p.m.

Other Business: Trustee Pilling noted a need to review short-term rental regulations and the changing demographics. He recommended a moratorium on short-term rentals in place to allow time for review. He recommended to decide tonight and set a date for when it will go into place. Discussion on whether or not to implement a moratorium. Discussion that short-term rentals need to be a priority and discussed in the future. Discussion to have the first work session in July to review the citizen survey. The second work session will be to review the plow contract. It was discussed to add short-term rentals on the agenda or at one of the work sessions.



## EXHIBIT E2 - Winter Road Maintenance Issues - 5-5-24

Section III, Item C.

To: Town of Blue River Mayor and Board of Trustees  
From: Paul and Martie Semmer  
Re: Communications to Trustees - Winter Road Maintenance in the Town of Blue River  
Date: 5-5-24

During the February 8, 2024 Town of Blue River Board of Trustees (BOT) meeting I offered public comment regarding road maintenance. (SEE <https://blueriver-co.municodemeetings.com/bc-bot/page/board-trustees-regular-meeting-february-2024> -- Work Session on Roads Maintenance & Planning, recording time 00:30:26 to 00:34:31, and Communications to Trustees, recording time 00:36:58 to 00:38:040).

Specifically, I expressed concerns dealing with road maintenance activities taking place outside the road right-of-way (r-o-w). Many of the original Town roads were located and established based on what worked on the ground and not necessarily what was recorded on the subdivision plats. Although many of the roads are formally recorded on subdivision plats as being 20 feet in width, the current use far exceeds that when considering drainage ditches, culverts, traffic signs, widened curves at intersections and areas for snow storage. To the best of my knowledge no effort has been made to document the change in use, either by obtaining recorded easements or validation of prescription rights or other land use agreements with lot owners to use lands adjacent to the original 20 ft wide r-o-w. In addition, the continued encroachment on private lands for road maintenance activities outside the documented r-o-w is infringing on private property rights.

The December 2023 Blue River News included the following notice:

### Winter Plowing Operations

Snow is in the air and hopefully this snow season will be a great winter season of moisture. A reminder that snow storage is used on both sides of the road to allow for snow removal. Crews do try to be aware of sensitive area, however, there are designated snow storage areas in each subdivision. Please ensure all items are moved away from the roads to allow for the proper snow storage. If you see the crews out, feel free to reach out to them with any questions or to bring something to their attention.

In March 2024 I asked Staff; "Does the Town have a map showing where the 'designated snow storage areas in each subdivision' are located?" Staff responded saying:

- There are no marked areas on a map or on the ground where snow is stored.
- The contractor stores snow where they have historically always stored snow utilizing the 10' on the side of the roads that have been used in the past.
- The location of snow storage areas was developed based on how plows move and operate and where it makes the most sense with the least amount of impact. And,
- The drivers work to be respectful of where and when landscape markers are placed.

The agenda for the upcoming BOT 5/9/24 meeting, under New Business, includes a discussion of the Review of the Plow Contract. A copy of the 2023-24 "Agreement for Winter Snow Removal and Road Maintenance Annually Renewal Contract" and a list of other documents pertinent to the "Snow Contract 2023-2024 – Final Audit Report" is included in the BOT packet. However, the public is not able to access those specific documents in the "Snow Contract 2023-2024 History" of the audit report, and therefore unable to compare and verify their connection to the 2023-24 contract. This is concerning because many of the exhibits referenced in the contract, and available for the public to see in the packet, are incomplete and miss important details of the contract work. Most importantly is that there is nothing in "Exhibit D – Winter Snow Removal and Road Maintenance Methodology Narrative", which asks for a description of details of "plowing, snow bank removal, pack removal

and road sanding.” Perhaps this missing information is found in the documents listed in the “Snow Contract 2023-2024 – Final Audit Report”?

With this understanding that the public is not able to access all of the documents referenced in the BOT packet, it is confusing as to what the contractor’s responsibilities and obligations are. In particular, dealing with snow storage areas, the 2023-24 contract states:

*B. Contractor’s Obligations for Winter and Spring Snow Removal.*

*7. Snow Banks.*

*c) Contractor shall take care to ensure that snow storage areas are selected to avoid damage to trees and other property and to minimize the impact upon Town property owners. **A map of the Town and designated areas shall be highlighted.** [Emphasis added]*

This provision in the contract implies that there is a map of the designated areas to be used for snow storage. Yet there is no map in the 2023-24 contract in the BOT packet. And, Town Staff acknowledged that there are no marked areas on a map or on the ground where snow is stored. How then does the contract plow operator(s) and landowners know where the snow storage areas are located?

As lot owners place markers and barriers on their private property in areas historically used for snow storage, more snow accumulates in the road, road widths begin to narrow, and new areas to store snow are found. A similar situation exists in addition to snow removal activities along roads where traffic signs, drainage ditches, culverts and widened areas for curves and enhanced sight distance at intersections is needed. Staff noted that “10’ on the side of the roads that has been used in the past” is where such use occurs, implying that the road r-o-w can be 40 feet wide! When the legal road r-o-w is only 20 feet wide, the road maintenance activities are clearly outside the r-o-w and trespassing on private property. Where is it recorded that the Town has a legal right to the full 40 feet being used for road maintenance? Has this been documented to assert a prescriptive right-of-way? How are landowners notified that the Town has asserted prescriptive rights on their property beyond the platted road r-o-w and/or deeded easements?

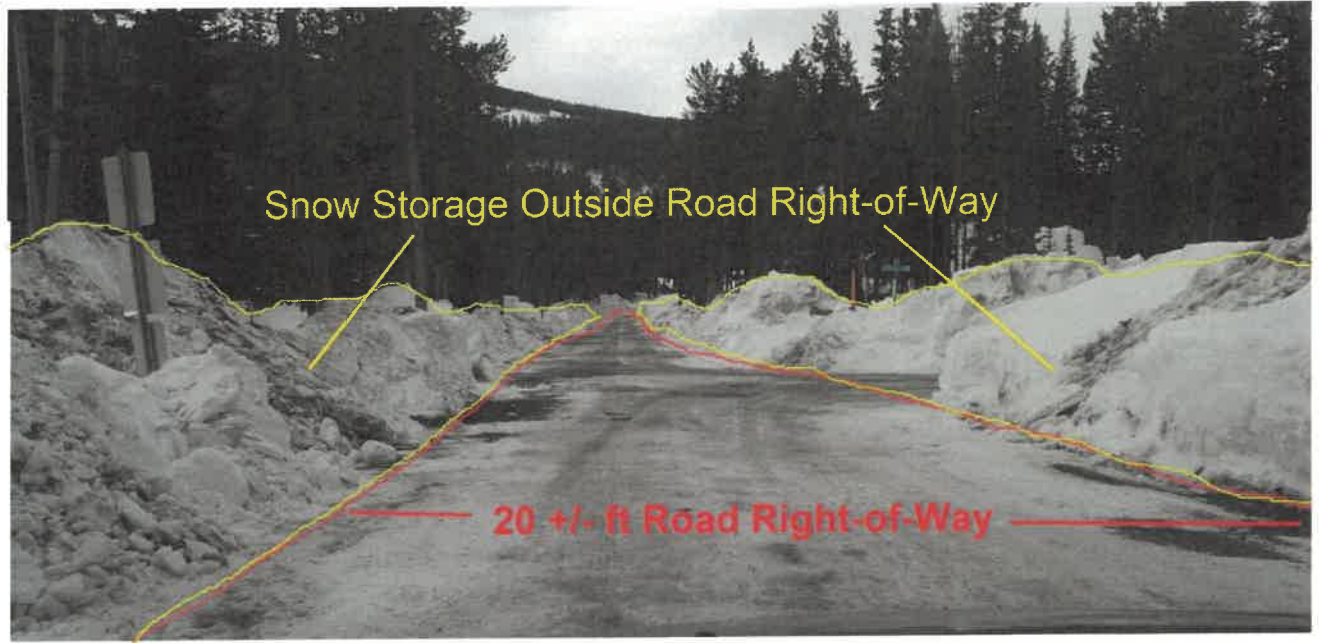
There are inevitable impacts to private land and personal property as trees are damaged, address signs and road delineate posts and telephone pedestals are pushed over, manmade landscape features are buried, and other personal items buried or damaged with tons of snow stacked on top including road base shavings and residual mag chloride – in spite of the efforts of the road maintenance contractors to “be respectful of where and when landscape markers are placed”. However, without well-defined limits of the plowed roadway and snow storage areas, how is one to know if the property damage is in or outside the responsibility of the Town/contractor? This is particularly pertinent when the 2023-24 contract states:

*I. Damage to Public or Private Property.*

*1. If the Contractor damages public or private property, the Contractor will be responsible for its repair and or replacement within 30 days or within a reasonable time depending upon seasonal conditions.*

Driving the roads around Town today, one can see there are several areas where excessive snow removal over the winter has deposited a significant amount of road base and debris onto snow banks outside the roadway onto private property. As the snow melts, this shows up as several inches of road base/debris on top of the ground in some cases. Unless the debris is removed, it remains forever as an eye sore to beauty of our natural environment and neighborhoods. Additionally, the deposition of a few inches of road base and debris, often with residual mag chloride, prohibits the growth of native plants previously established along the roadway. Is the contractor responsible for raking off the road debris from these areas to allow the native vegetation to reclaim the area and before invasive noxious species take hold on the disturbed soils?

## Typical Town of Blue River Winter Road Maintenance



The March 2023 Blue River News posted a notice on Winter Plowing Operations stating “Crews have begun to remove snowpack ahead of the spring melt and will work to minimize the spring slush/rut cycle. As the pack is removed, snow will be placed along the road right-of-way as in years past.”

The pages that follow include a series of photos taken in early March 2023 that show various roads in subdivisions throughout Town where the contractor has removed the snowpack and placed it along the road r-o-w. The photos are alarming and show piles of snow in excess of 8 feet tall and more than 10 feet beyond the r-o-w. (Figures 3, 9, 12 & 14). In some cases, the plow operator has intentionally ignored snow poles that designate an area to avoid and stacked snow on either side of the poles or pushed them over altogether. (Figures 19 & 20). Trees that are outside the r-o-w, and have never been damaged before, show witness marks of the recent snow removal activity. (Figures 11 & 18). Recently placed boulders along Coronet Drive to define the roadway for summer use have been pushed away and buried in the snowpack. (Figure 9). Traffic signs are barely visible. (Figure 14). The Town Park is becoming buried and unsightly to use. (Figure 2). Snow is being pushed off the road and dumped in the live water channel along the Blue River (Figure 13) and Pennsylvania Creek (Figure 10). Photos 21, 22, 23 & 24 were taken on recently, showing the impacts of snow removal activities and the deposition of road base/debris along the roads. Figure 23 is from Theobald Way looking at the Blue River and shows the road debris from snow stacking being discharged into the Blue River.

The notice on Winter Plowing Operations is right that “this is a messy process...” around town. It is a fact of life that we have to deal with snow removal on our road system with long winters at 10,000 feet in a community that was designed 60 years ago and did not plan for the level of development and winter use that we have today. However, is the Board of Trustees aware of the extent of the mess it is allowing to occur on private lands outside the road right-of-way and overall aesthetic landscape around “our serene mountain community”?

**What can be done about this?**

Any resolutions to the issues related to road needs to reaffirm the goals of the Town Mission Statement:

*The Town of Blue River endeavors to nurture our serene mountain community by conserving our natural residential environment, promoting unity with our neighbors and surroundings, channeling the voice of our residents, and enhancing the quality of life for all.*

Related to the Mission Statement, during the Town of Blue River Candidate Forum earlier this year, both incumbent and prospective Mayor and Trustees were asked a question related to road design standards for width and road surface and drainage treatments. All candidates stated that it was important to develop “site specific” management guidelines that address the diverse neighborhoods and environmental characteristics in the Town.

The following recommendations are presented for you to consider as you tackle the challenge of developing a comprehensive plan to address the multifaceted issues of road maintenance for the Town. In order to engage the community and “channeling the voice of our residents” maybe the BOT could convene a special taskforce to help on specific recommendations to assist the Town moving forward in addressing Roads as a high priority item for 2024.

- Make it a priority action item for the Town’s 2024 -25 program of work to thoughtfully evaluate what rights and responsibilities the Town and lot owners have within the rights-of-way of all roads in town.
- Prepare a comprehensive road management plan that addresses legal easements, road standards, acquisition of new easements and updated evaluation of CIP projects, in addition to the annual program of work for road maintenance.
- Survey the legal r-o-w of all roads, as needed, and determine where snow storage areas are appropriate.
- Conduct a survey of vacant lands within and adjacent to the Town that may be suitable for off-site snow storage and evaluate the feasibility for transporting snow to designated sites on an as needed basis.
- Negotiate with lot owners to obtain authorizations for snow storage and widened road r-o-w on a case-by-case basis.
- Stop the creep of road maintenance and continued encroachment on private lands.
- Talk with lot owners, who know the boundaries of their lots and road r-o-w, to determine the acceptable area(s) for roadway travel, snow storage areas and specific road maintenance considerations (e.g. application of mag chloride and road base).
- Establish an appropriate sign ordinance to designate snow storage areas.
- Compensate landowners for damage done to private property outside the r-o-w.
- Roads will be narrower in the winter and consider one lane and one-way roads where the r-o-w width does not allow for adequate snow removal for two-way travel. (e.g. Theobald Way bridge).

Thank you for your attention to the ever-present concern for road maintenance in the Town of Blue River. We look forward to staying involved in future discussions on these matters as it relates not only to our neighborhood of 43 years, but also the character of the entire Town of Blue River.

Respectfully,  
Paul and Martie Semmer  
272 Blue Grouse Trail

Attachment: Representative Photos of Winter road Maintenance Concerns in the Town of Blue River

### REPRESENTATIVE PHOTOS OF WINTER ROAD MAINTENANCE CONCERNS IN THE TOWN OF BLUE RIVER

Figure 1. Wilderness Road & Blue River Road



Figure 2. Coronet Drive at Town Park



Figure 3. Davis Court and Silverheels Road



Figure 4. Blue River Road and Mountain View Drive



Figure 5. Calle de Plata



Figure 6. Whispering Pines Circle in Timber Creek Estates





Figure 7. Starlit Lane



Figure 8. Sherwood Lane



Figure 9. Coronet Drive



Figure 10. Regal Circle and Coronet Drive – Town Park



Figure 11. Sherwood Lane



Figure 12. Blue Grouse Trail



Figure 13. Theobald Way



Figure 14. Royal and Blue River Road



Figure 15. Blue River Road

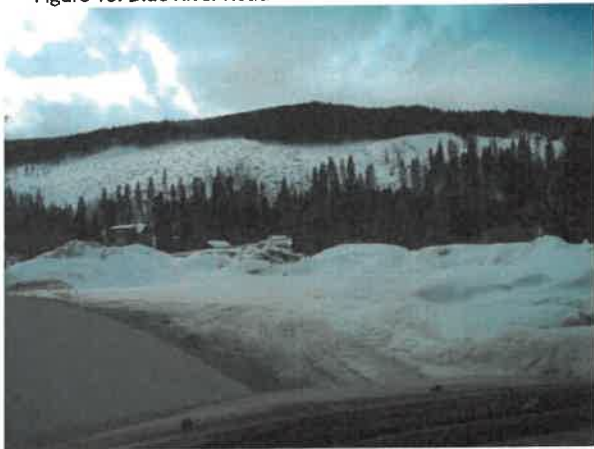


Figure 16. 97 Circle and Hwy 9



Figure 17. Sherwood Lane



Figure 18. Sherwood Lane



Figure 19. Blue Grouse Trail



Figure 20. Blue Grouse Trail



Figure 21. Bent tree - Damage to vegetation outside r-o-w. (May 5, 2024)



Figure 22. Damage to vegetation outside r-o-w and discharge of road base into Blue River. (May 5, 2024)



Figure 23. Discharge of road base in stacked snow bank into Blue River. (May 5, 2024)



Figure 24. Excessive amount of road base in snow stacking (April 23, 2024)



**EXHIBIT F – Town of Blue River Board of Trustee Meeting July 16, 2024**

BLUE RIVER BOARD OF TRUSTEES REGULAR MEETING JULY 2024  
July 16, 2024 at 5:00 PM

Below is a summary of the audio recording for the meeting found at:  
<https://www.youtube.com/watch?v=wDRVEd6VJXE>  
Audio Recording 00:00:36-00:40:48

5:00 PM WORK SESSION:  
Discussion of 2024-2025 Plow Contract and review of current contract

Mayor Decicco opened the work session at 5:00 p.m. The Trustees reviewed the current plow contract for discussion of changes to be applied to the 2024- 2025 contract. David Allen with Highland Excavating, the contractor, attended via Zoom to answer questions. Discussion to have additional reporting locations for snow measurement. Discussion to have addresses as reporting areas. Suggestion to reduce amount to 3" versus 4" and multiple pack cutting times and replenishing the road base per the contract. Recommendation to remove the map reference. Suggestion to either remove the road base repair requirement. Dave noted that the most accurate way to determine snow fall accumulation is to drive around to assess the snow depth. Dave noted a concern at 3" and scraping more base off the road. He stated the issue with road base in the spring when it's melting. He recommended getting it packed in the fall. Dave reviewed the timing of storms and when to go out to ensure that it is clear within the 24-hour time period. He was open to cutting pack one or two more times of year to keep the pack low. Kasey Grosskreutz, the Town summer maintenance contractor noted there is an issue with ditches and the need for easements and agreement with the comments on the road grader from the plow contractor. He noted there wasn't significant issue from winter to summer for road maintenance issues. He noted he also sends out crews as cameras don't show amounts well. He stated a loader is more efficient especially to push snow high. It was recommended to remove the map and road base requirement. Add an additional road cut in the contract and have the contractor provide a bid accordingly. Recommendation to coordinate with staff and the contractor when issues arise. Manager Eddy and Attorney Widner will work to draft a new contract and collect a bid from the contractor.

Audio Recording 00:00:36-00:40:48 Significant comments pertinent to snow storage issue:

"If they want to come up with a better solution then I would hear it, but I don't think there is a better solution in the Town" John Heckman (JH) 13:55-14:13

"They use common sense with where they push it and you're not going to make everybody happy." Barrie Stimson (BS) 14:14-14:28

"You've little choice but to push it up to the sides. Your problem is getting everyone in Blue River to agree and I don't think that its going to happen. There's always someone who is not happy." David Allen (DA) 16:25-16:55

Paul Semmer (PS) comment reiteration of what was included in previous BOT mtg packets – what happens beyond r-o-w and taking of private property who is taking responsibility for impacts to private land outside r-o-w creeping factor . PS 19:41 – 21:48

“Blue River is an entity unto itself, ... you’ve got to live with what you’ve got, if you’ve got a solution to where we’re putting snow I’m willing to listen.” DA 22:55

“I don’t think there is a solution for not going onto people’s property. And we should leave that part alone and because it is what it is. It is Blue River and I think it’s a part of the privilege of living here and we all make sacrifices to live here. Everybody got to come together a little bit and if there is a better idea I’m welcome to it, but I don’t see one.” JH 24:00 -24:30

“You’re biggest problem up here with summer road maintenance winter road maintenance is that you do not have road maintenance ditches and in the winter you do not have anywhere to put snow.” Snow storage is a big issue and I agree with everyone. Kasey Grosskreutz 27:44 – 30:26

Semmer 32:52 – 34:23 --- 43:22 comments and concerns with r-o-w creep---

“If somebody has a specific problem where the snow is being staked I think that a conversation can be had with Michelle or if we had a road manager in the future and get a better place to push out but I don’t think going around and actually designating on a map adding specific areas that would be a pretty cumbersome solution to do that. So you see what I’m saying if there is a specific problem lets address the specific problem and get Dave involved to see if there’s another place ... take it on a case by case basis.” BS 34:24

“Then it is the lot owner that brings up the cases is what you are saying? PS 36:45

“Yes the lot owner or the property owner. That is the only person that has a right to change anything” JH

“Pretty much everybody that has a lot that adjoins a road has got to take their fair share and it’s one of the facts of living in Blue River in winter.” DA 38:00

**TOWN OF BLUE RIVER, COLORADO**

**STAFF REPORT**

TO: Mayor & Members of the Board of Trustees  
THROUGH: Michelle Eddy, Town Manager  
FROM: Bob Widner, Town Attorney  
DATE: January 21, 2025  
SUBJECT: Ordinance No. 2025-01 - Repeal of LUC Section 17-1-30.1

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A previous Town Board recognized that it may be unwise to continue to subdivide property until a time that the Town had a reasonable idea of the number of potential properties that might gain new density through subdivision.

Section 17-1-30.1 of the Blue River Land Use Code (LUC) was adopted to impose a moratorium on new subdivisions in order that the Town could reconsider the appropriate minimum lot sizes for residential development. As you may recognize, minimum lot sizes present the appropriate and widely accepted means by which density can be controlled when property is subdivided.

Today, the R-1 Zone District (which incorporates most of the Town) employs a minimum lot size of 80,000 square feet. This size equates to approximately 1.83 acres. To subdivide within the Town of Blue River, a landowner will need nearly 3.675 acres of land.<sup>1</sup> This minimum lot size limits potential new lots to an (arguably) reasonable number.

As a result, the temporary moratorium imposed by Section 17-1-30.1 is not needed and can be repealed at this time.

The Town Board is always authorized to increase (or decrease) lot sizes as it deems appropriate to provide for reasonable density.

If you have questions or concerns in advance of the January 21 public hearing, please contact either Michelle Eddy or me at any time.

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<sup>1</sup> For the math inclined, an acre is 43,560 square feet. A 3.675 acre parcel is 160,083 square feet.

**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2025-01**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, REPEALING SECTION 17-1-30.1 OF THE BLUE RIVER MUNICIPAL CODE (FOUND IN CHAPTER 17 OF THE BLUE RIVER LAND USE CODE) PERTAINING TO THE TEMPORARY SUSPENSION (MORATORIUM) OF SUBDIVISIONS THAT CREATE NEW LOTS**

**WHEREAS**, the Town of Blue River, Colorado (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

**WHEREAS**, Colorado state law at Section 31-23-1-226, C.R.S., authorizes statutory municipalities to provide for the subdivision of land and to supersede provisions of Part 2, Title 31, C.R.S., by ordinance; and

**WHEREAS**, the Board of Trustees enacted Chapter 17 of the Land Use Code (a portion of the Municipal Code) to provide for the subdivision of property and to ensure compliance with the goals, objectives, and purposes of the Town of Blue River Comprehensive Plan and Chapters 16, 16A, 16B, and 16C the Blue River Land Use Code; and

**WHEREAS**, the Town previously enacted a moratorium on certain types of subdivisions that create new lots in order to reconsider the appropriate lot sizes within residential zone districts, to finalize the drafting and potential revision of a new land use code, and to ensure that the Town protect its environmental qualities and resources; and

**WHEREAS**, the Board of Trustees now finds it necessary and desirable to repeal a previously imposed suspension (moratorium) on subdivisions that create new lots.

**BE IT ORDAINED** by the Board of Trustees of the Town of Blue River, Colorado, as follows:

**Section 1. Repeal of Section 17-1-30.1.** Section 17-1-30.1 of the Municipal Code of the Town of Blue River (found within Chapter 17 of the Blue River Land Use Code) is hereby repealed in its entirety.

**Section 2. Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 3. Repeal.** All Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 4. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 5. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED** at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 21<sup>st</sup> day of January, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Published in the Summit County Journal \_\_\_\_\_, 2025.



**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2025-02**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING SECTIONS OF ARTICLE 4 OF CHAPTER 16B AND AMENDING THE DEFINITION OF “SETBACK” IN ARTICLE 3 OF CHAPTER 16, IN THE BLUE RIVER MUNICIPAL CODE (CHAPTERS OF THE BLUE RIVER LAND USE CODE) ALL PERTAINING TO THE MEASUREMENT OF SETBACKS FROM RIGHTS-OF-WAYS, ROAD EASEMENTS, AND RIVER EASEMENTS**

**WHEREAS**, the Town of Blue River was incorporated in 1964 as a statutory municipality organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

**WHEREAS**, [*Sections to be inserted to outline the historic nature of the Town’s control and use of a prescriptive easement for roads*];

**WHEREAS:**

- A. Colorado state law authorizes municipalities to regulate land use and development including but not limited to ensuring adequate setbacks to best protect the health, safety and welfare of the public.
- B. In 2023, the Board of Trustees for the Town of Blue River (“Board”) adopted in 2023 the Blue River Land Use Code (“LUC”) which is a part of the Blue River Municipal Code, to govern and regulate the use of land within the Town; and
- C. The LUC regulates the location of buildings and structures within a lot by the use, in part, of “setbacks” which are commonly understood to be a set distance from a property line or from a point, line, easement, land feature (such as water body, floodplain, or steep slope), or other recognized element found within or adjacent to a lot; and
- D. The Board of Trustees finds that the construction of buildings and structures in close proximity to public roads, and also in areas of floodways and floodplains, presents a potential harm to both the occupants of the building or structure and the public; and
- E. The Board of Trustees finds that it is commonly accepted planning and land development practices to require a setback of buildings and structures from roads to protect the health safety and welfare of the public; an

- F. The determination of the appropriate setbacks and appropriate means of measuring a setback is a legislative determination of a municipality.

**BE IT ORDAINED** by the Board of Trustees of the Town of Blue River, Colorado, as follows:

**Section 1. Amendment of Section 16B-4-30(b)(3).** Subsection (b)(3) of Section 16B-4-30 of the Municipal Code of the Town of Blue River titled *Easements* is amended to read as follows:

- (3) Road Easements (Recorded, Public or Private) and Access Easements.

Easements for roads or access (both public and private) are often created and recorded with the Summit County Clerk and Recorder’s Office to reserve property for vehicular traffic and to provide for permanent access to property. Such easements are not available for any development or improvement other than overhead and subsurface utilities that will not interfere with the existing or future use of the road within the road easement or the access secured by the easement.

**Section 2. Amendment of Section 16B-4-30(b) by Renumbering Subsections (4), (5), (6), and (7).** Subsection (b)(4) through Subsection (7) of Section 16B-4-30(b) of the Municipal Code of the Town of Blue River titled *Easements* is amended by renumbering as follows:

Current Subsection Number	New Subsection Number
(b)(4)	(b)(6)
(b)(5)	(b)(7)
(b)(6)	(b)(8)
(b)(7)	(b)(9)

**Section 3. Amendment of Section 16B-4-30(b) by Addition of New Subsections (4) and (5).** Subsection (b) of Section 16B-4-30 of the Municipal Code of the Town of Blue River titled *Easements* is amended by the addition of new subsections (4) and (5) to read as follows:

- (4) Town Road Easement.

The Town has claimed and established a prescriptive Town Road Easement (the “Town Road Easement”) for the entire travelled portion of all constructed roads that the Town has, historically and for more than 20 years,

openly, adversely, notoriously, and exclusively managed, maintained, repaired, plowed, and controlled for the purpose of providing for a road system accessible to the general public. The Town maintains a publicly available map illustrating the names and general locations of the Town Road Easements and Town Road System. The Town will physically mark the boundaries of the Town Road Easement for a property owner upon reasonable request. The Town's claimed Road Easement does not include lawfully recognized and recorded private roads that the Town has historically maintained in accordance with a written maintenance or management agreement with a homeowner's association, neighborhood or civic association, or property owner.

(5) Town Road Maintenance Easement.

The Town has claimed and established a prescriptive Town Road Maintenance Easement (the "Town Road Maintenance Easement") for the property immediately adjacent to a Town Road Easement (see Section 16B-4-30(b)(4)). The Town Road Maintenance Easement includes ten (10) feet of property along the Town Road Easement which the Town has, historically and for more than 20 years, openly, adversely, notoriously, and exclusively managed and controlled for the purpose of maintaining the Town Road Easement. Such management and control includes the use of the easement for lateral support of the Town Road Easement, borrow ditch, drainage improvement, Town authorized signage such as traffic control signs, and snow storage.

**Section 4. Amendment of Section 16B-4-2.** Section 16B-4-30 of the Municipal Code of the Town of Blue River titled *Setbacks* is amended to read as follows:

**Sec. 16B-4-20. Setbacks.**

Setbacks (front, rear, and sides) are established by the Zone District that is assigned to a lot. See Chapter 16A - Zoning. Setbacks are a specified distance measured from either: (a) the front, rear, and sides of the property line that defines the boundaries of the lot; or (b) the boundary of an easement as required by Section 16B-43-40 (*Buildable Area*). Setbacks effectively define the initial location within the lot in which the principal permitted building or structure may be lawfully constructed, erected, or maintained except as expressly permitted by the Land Use Code. Such initial location is subject to limitations imposed by easements and other encumbrances.

**Section 5. Amendment of Section 16B-4-40(a)(1).** Section 16B-4-40(a)(1) of the Municipal Code of the Town of Blue River titled *Buildable Area* is amended to read as follows:

(a) **Determining Building, Structure, and Accessory Improvement Location.**  
When seeking Town approval of the location within a lot of any building, structure, accessory improvement, or other improvement regulated by the Land Use Code, the owner or applicant shall demonstrate a consideration of the following when deciding the appropriate location of the building, structure, accessory improvement, or other improvement:

1. The *lot's* setbacks imposed by the applicable zone district. (see Chapter 16A – Zoning).

Although front, side, and rear setbacks established by a zone district are typically measured from the lot lines of the property, certain easements shall require measurement from the boundary of the easement nearest the building or structure when the easement encroaches into the lot. Such easements are:

- a. Road Easements (Recorded Public and Private). See Section 16B-4-30(b)(3).
- b. Town Road Easements. See Section 16B-4-30(b)(4).
- c. Recorded River Easements. See Section 16B-4-30(6).

**Section 6. Amendment of Section 16-3-20.** Section 16-3-20 of the Municipal Code of the Town of Blue River titled *Definitions* is amended for the definition of “Setback” to read as follows:

*Setback* means the distance required by the lot’s zone district (see Chapter 16A) between the drip edge of a building or proposed building and the closer of the lot line or the edge of any public right-of-way, Recorded Road Easement (public or private), Town Road Easement, or recorded River Easement, unless a different distance is established by a Town-approved site plan, subdivision plat, annexation or development agreement, or other document approved by the Town.

*Interpretive Note for Setback:* The phrase “within a setback,” “within the setback” or “within the setbacks” shall be interpreted to refer to the area defined as a setback and shall not mean within the area enclosed by or that results from the application of two or more setbacks. The area enclosed by or results from the application of setbacks to a lot, which area is outside of the setbacks, is known as the *Buildable Area* (see definition above).

**Section 7. Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 8. Repeal.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 9. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 10. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED** at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the 21<sup>st</sup> day of January, 2025

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Published in the Summit County Journal \_\_\_\_\_, 20\_\_.

# TOWN OF BLUE RIVER, COLORADO

## STAFF REPORT

TO: Mayor & Members of the Board of Trustees  
THROUGH: Michelle Eddy, Town Manager  
FROM: Bob Widner, Town Attorney  
DATE: November 13, 2024  
SUBJECT: Work Session – Measurement of Setbacks from Existing Town Roads

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During the November 19, 2024, Board Work Session, we will discuss the topic of measuring setbacks and, in particular, the measuring of setbacks from the edge of established Town roads.

The attached draft ordinance would be needed to implement the solution described in this Staff Report.

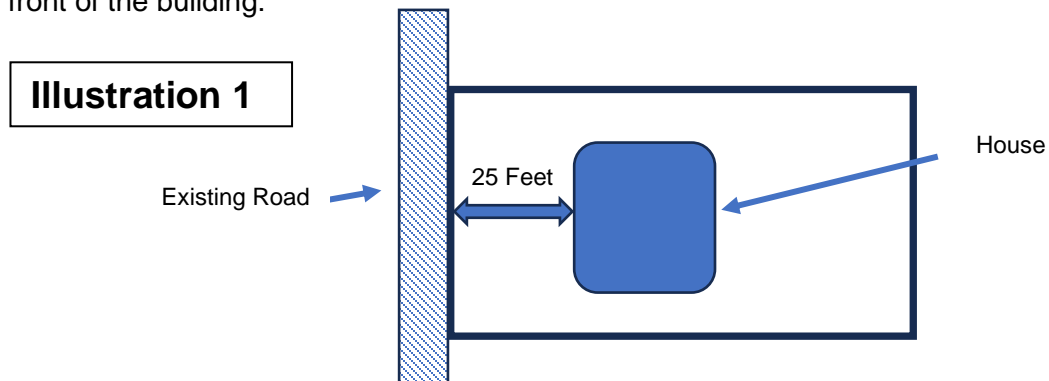
### **Problem**

As the Board recalls, one or more developments in the Town resulted in the construction of buildings in what might be seen as close proximity to an existing road. These developments illustrated the specialized problem within Blue River created by using lot boundaries to measure setbacks where a constructed or existing road is located within the boundary of the lot.

### **Background**

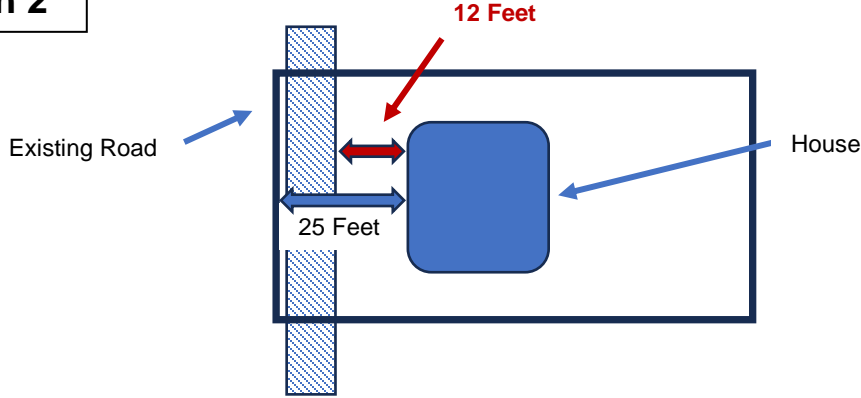
Setbacks are commonly understood and used in land use to require the reservation of space between two points.

For example, a “front yard setback” may be declared by the land use code to be “25 feet.” The declared 25-foot front setback would traditionally be measured from the front lot line to the closest part of a building or structure. Where the lot line of a lot is contemporaneous or matches the edge of a right-of-way, the method of setback works properly and allows enough space between travelling vehicles on the road and the front of the building:



But where a road is located *within* the boundaries of a lot, the setback measured from the lot line may cause the building to be located too close to the road:

**Illustration 2**

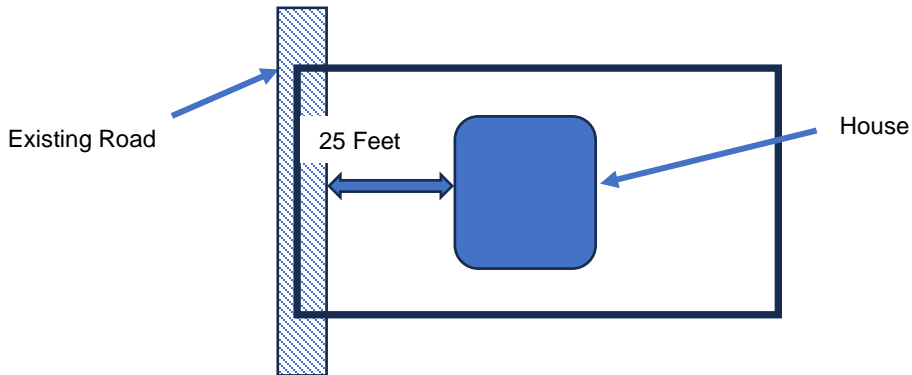


This situation is not typically found in many communities. Blue River, however, was developed through a series of subdivision plats where the platted road easement (the location where a road should be placed) does not correspond to the location where the road was actually constructed. As a result and when using the traditional method of measuring setbacks, there is potential that a building may be located “too close” to the actually constructed road.

**Solution**

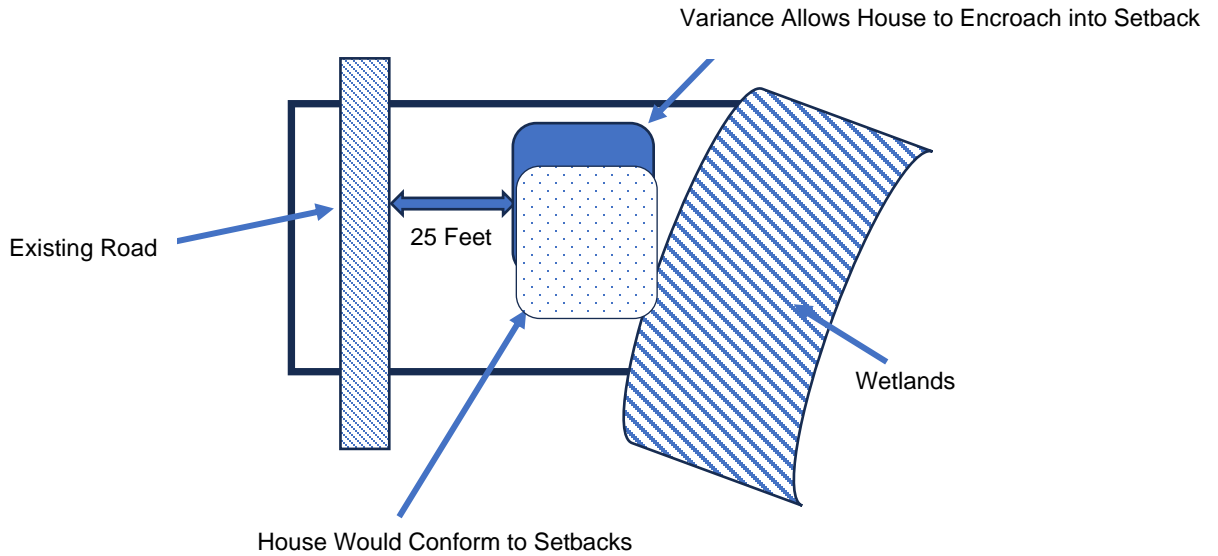
The solution to try and resolve this potential conflict involves requiring the setback for new structures to be measured either:

- (1) from the lot line, when the lot line is closer to the structure than the actual existing road (See **Illustration 1** above); or
- (2) from the actual existing road, when the existing road is located within the lot.



**Special Consideration**

There *may* be a few situations where the existing road sits well within the lot, thereby making it more challenging to locate the house within the lot due to some special circumstance such as a wetland or other feature. The remedy to such a situation will be to resort to the granting of a variance to enable the property owner to encroach into other setbacks within the property to make reasonable use of the lot.





**TOWN OF BLUE RIVER, COLORADO**

**RESOLUTION 2025-01**

**A RESOLUTION DESIGNATING THE TOWN’S WEBSITE  
(TOWNOFBLUERIVER.COLORADO.GOV) AS THE OFFICIAL  
POSTING LOCATION FOR PUBLIC NOTICES OF MEETINGS FOR 2025**

WHEREAS, the Town of Blue River (the “Town”) is a statutory town duly organized and existing under Colorado law; and

WHEREAS, by C.R.S. § 24-6-204(2)(c)(III), the Colorado General Assembly expressed an intent to relieve local governments of the requirement to physically post meeting notices and expressly authorized and encouraged local governments to utilize websites for the posting of notices; and

WHEREAS, Town Code Section 2-1-110 provides that the Board of Trustees shall adopt a resolution annually to designate the official posting location for notices of Town meetings.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, THAT,**

1. The Board of Trustees of the Town of Blue River hereby designates the Town’s Official Website: <https://townofblueriver.colorado.gov> as the official location where notices of Town meetings will be posted for 2025.

2. This Resolution shall be effective immediately upon approval.

ADOPTED at a regular meeting of the Board of Trustees the 21<sup>st</sup> day of January, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk or Deputy

**TOWN OF BLUE RIVER, COLORADO**

**RESOLUTION 2025-02**

**A RESOLUTION APPROVING AN AMENDMENT OF THE PROFESSIONAL SERVICES AGREEMENT WITH NEO CONNECT TO PROVIDE BROADBAND STUDY SERVICES AND ASSISTANCE DURING 2025**

**WHEREAS**, the Town entered into a Professional Services Agreement with NEO Connect to provide broadband services and assistance; and

**WHEREAS**, the Town desires to continue the services of NEO Connect as provided in the original Professional Services Agreement through 2025, subject to amendments to the original Agreement.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, THAT,**

1. The Board of Trustees hereby approves the attached Amendment to the Professional Services Agreement with NEO Connect.
2. This Resolution shall be effective immediately upon approval.

ADOPTED at a regular meeting of the Board of Trustees the 21<sup>st</sup> day of January, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk or Deputy

**TOWN OF BLUE RIVER, COLORADO**

**BOARD POLICY**

**INTERIM POLICY FOR MEETING EFFICIENCY - 2025**

The following policies shall govern meetings of the Board of Trustees in order to promote meeting efficiency:

**A. Board Meeting Packets**

1. Meeting packets prepared for Board members shall typically be limited to documents relevant or pertaining to items on the agenda. The Mayor or Town Manager may add documents to the packet when the materials may prove useful in consideration of an anticipated by unscheduled matter or when the documents were requested by the Board at a prior meeting.
2. Materials submitted by citizens or others that are not relevant or specifically pertain to an item on the agenda shall not be included in the Board meeting packet.

However,

Citizens are encouraged to submit documents directly to the Board members using the email addresses posted on the Town’s website; and

Citizens may also submit documents to the Town Manager with a request to distribute the documents to the Board of Trustees. Where the Town Manager deems the documents reasonable in volume and format to be easily delivered or transmitted to the Board, the Town Manager shall make a reasonable effort to distribute or transmit documents as requested (but not within a meeting packet).

**B. Citizen’s Comment During Meetings**

1. As time permits, the Town Manager shall list on the *regular* meeting agenda an opportunity for citizens to raise concerns or issues with the Board. This opportunity shall not be scheduled for special meetings or workshops, although the Board may permit, at its discretion, citizen comments during a special meeting or workshop.
2. Unless the Mayor or the Board provides otherwise, a citizen shall be limited to no more than three (3) minutes to address the Board. If a citizen is provided greater time to address the Board, all other citizens seeking to address the Board *on the same matter or issue* shall be afforded the same amount of time.

3. Comments by citizens shall be limited to information that is relevant to an agenda item, or which pertains to a matter for which the Town has authority to act.
4. Comments related to matters that are not on the agenda shall not be opened for discussion at the same meeting. Instead, the Board shall thank the speaker for the information and take the matter under advisement. At the Board's direction, the Town Manager shall schedule such unscheduled matter for future discussion on an agenda. The Board of Trustees may, by majority vote, elect to add the unscheduled matter to the agenda for discussion at the same meeting; but the matter shall customarily be scheduled for consideration after business items on the agenda have been addressed.

This Interim Policy is intended to serve the Board of Trustees until repealed, superseded, or a more permanent policy approved by the Board.

ADOPTED at a regular meeting of the Board of Trustees the 21<sup>st</sup> day of January, 2025.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk or Deputy

**TOWN OF BLUE RIVER, COLORADO**

**RESOLUTION 2025-03**

**A RESOLUTION APPROVING AN INTERIM POLICY FOR MEETING EFFICIENCY**

**WHEREAS**, the Town is authorized by law to create policies and procedures to govern the conduct of public meetings of the Board of Trustees; and

**WHEREAS**, the Board of Trustees desires that the Board conduct its means in an efficient and fair manner, and limit its focus primarily to addressing the business scheduled on a meeting agenda.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, THAT,**

The following policies shall govern meetings of the Board of Trustees to promote meeting efficiency:

**A. Board Meeting Packets**

1. Meeting packets prepared for Board members shall typically be limited to documents relevant or pertaining to items on the agenda. The Mayor or Town Manager may add documents to the packet when the materials may prove useful in consideration of an anticipated by unscheduled matter or when the documents were requested by the Board at a prior meeting.
2. Documents submitted to the Town by citizens<sup>1</sup> which pertain to a matter subject to a quasi-judicial hearing shall be included in the meeting packet when found by the Town Manager to be reasonable in volume and format.
3. Documents submitted to the Town by citizens that do not pertain to a matter that is subject to a quasi-judicial hearing shall not be included in the Board meeting packet.

However,

Citizens are encouraged to submit documents directly to the Board members using the email addresses posted on the Town’s website; and

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<sup>1</sup> For purposes of this policy, a “citizen” does not include a person who is seeking Town approval of an application in a quasi-judicial matter.

Citizens may also submit documents to the Town Manager with a request to distribute the documents to the Board of Trustees. Where the Town Manager deems the documents reasonable in volume and format to be easily delivered or transmitted to the Board, the Town Manager shall make a reasonable effort to distribute or transmit documents as requested (but not within a meeting packet).

**B. Citizen’s Comment During Meetings**

1. The Town Manager shall list on the *regular* meeting agenda an opportunity for citizens to raise general concerns or issues with the Board.<sup>2</sup> This opportunity shall not be scheduled for special meetings or workshops, although the Mayor or Board may permit, at its discretion, citizen comments during a special meeting or workshop.
2. Unless the Mayor or the Board direct otherwise, a citizen shall be limited to no more than three (3) minutes to address the Board. If, however, a citizen is provided greater time to address the Board, all other citizens seeking to address the Board *on the same matter or issue* shall be afforded the same amount of time.
3. Comments by citizens shall be limited to information that is relevant to an agenda item, or which pertains to a matter for which the Town has authority to act.
4. Issues, questions, or comments raised by citizens concerning matters that are not scheduled on the agenda shall not be opened for discussion at the same meeting. Instead, the Board shall thank the speaker for the information and take the matter under advisement. At the Board’s direction, the Town Manager shall schedule such unscheduled matter for future discussion on an agenda. The Board of Trustees may, by majority vote, elect to add the unscheduled matter to the agenda for discussion at the same meeting; but the matter shall customarily be scheduled for consideration after all business items on the agenda have been addressed.

This Policy is deemed interim because the Board anticipates that a more formal and comprehensive meeting policy will be considered and approved at a later date. This Interim Policy shall serve the Board of Trustees until repealed or superseded.

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<sup>2</sup> Citizens will always be permitted to speak on any matter requiring a *public hearing*. For example, for a rezoning application, a public hearing must be held any citizen who wishes to speak will be provided an opportunity to do so during the public hearing.

Town of Blue River  
Resolution No. 2025-03  
Page 3

ADOPTED at a regular meeting of the Board of Trustees the 21<sup>st</sup> day of January, 2025.

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\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk or Deputy  
money in

### Travel Time

#### **Speed Limit: 50 mph**

Travel time through Town of Blue River: **4 min. 12 secs.**

#### **Speed Limit: 45 mph**

Travel time through Town of Blue River: **4 min. 40 secs.** (additional 28 seconds)

### Stopping Distance

The affect perception-reaction time and speed have on a driver's capability can be illustrated by braking. The average driver requires approximately 1.5 seconds to perceive, react, and apply the brakes. The brakes are not being applied and the vehicle continues to move at the same speed and on the same path toward the hazard during this 1.5 seconds. The distance the vehicle travels during the 1.5 seconds depends upon the speed.

50 mph = 51 feet

45 mph = 45 feet

Perception-reaction time is only the beginning of the problem. Once the brakes are applied, time elapses before the vehicle comes to a complete stop. The faster the vehicle is moving, the longer it will take to stop. Vehicles moving at higher speeds have more momentum than vehicles at lower speeds. More braking force must be applied to vehicles traveling at high speeds:

- **At 20 mph:** the average vehicle will travel an additional 18 feet after the brakes are applied for a total **stopping distance of 62 feet**
- **At 50 mph:** the vehicle will travel an additional 111 feet for a **total stopping distance of 221 feet**
- **At 80 mph:** the vehicle will travel an additional 284 feet for a **total stopping distance of 460 feet**

**The difference in stopping distance between 50 mph and 45 mph gives the driver almost another 1 second to make a safer decision.**

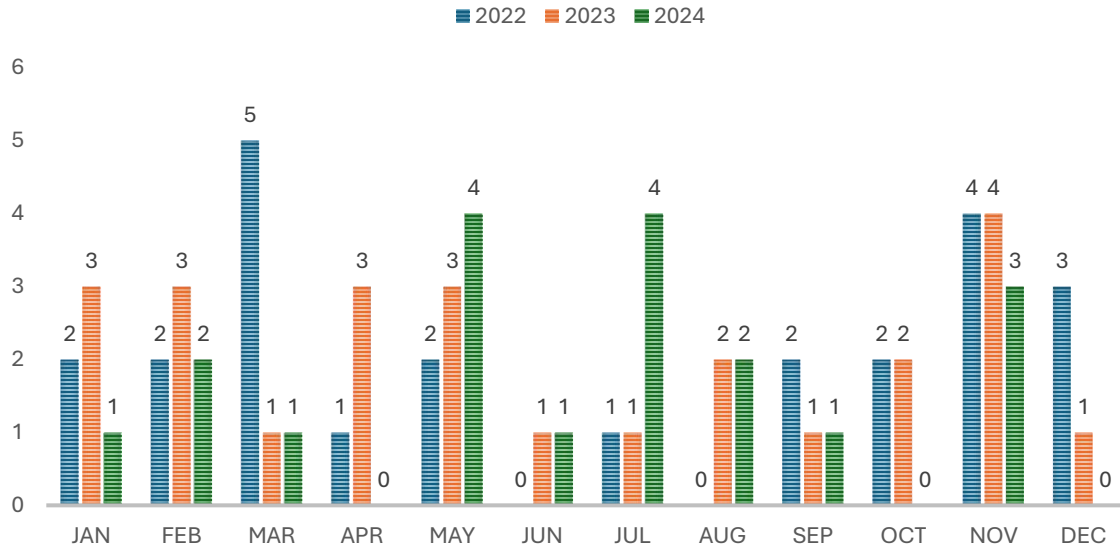
The total stopping distance increases greatly with just a slight increase in speed. The stopping distance at 60 mph (292 feet) is more than 44 percent longer than the stopping distance at 50 mph (221 feet) even though 60 mph is only 20 percent faster than 50 mph. Hazards that can be avoided at low speeds may be unavoidable at higher speeds.

**As the amount of energy increases, the chances of a fatality increase. A collision at 60 mph is 50 percent more likely to result in a fatality than one at 45 mph. A collision at 70 mph is four times more likely to result in a fatality than a crash at 45 mph.**

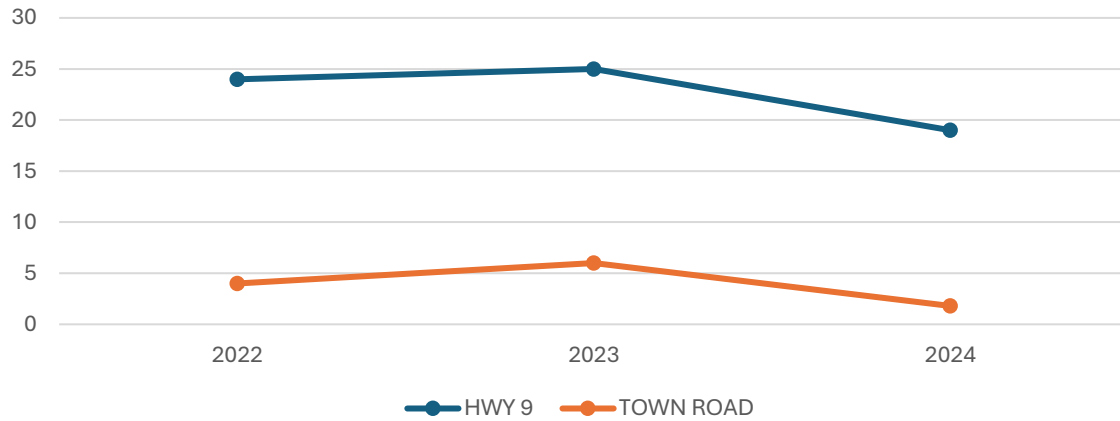
***\*\*Calculations and measurements are borrowed from National Highway Traffic Safety Administration (NHTSA)***



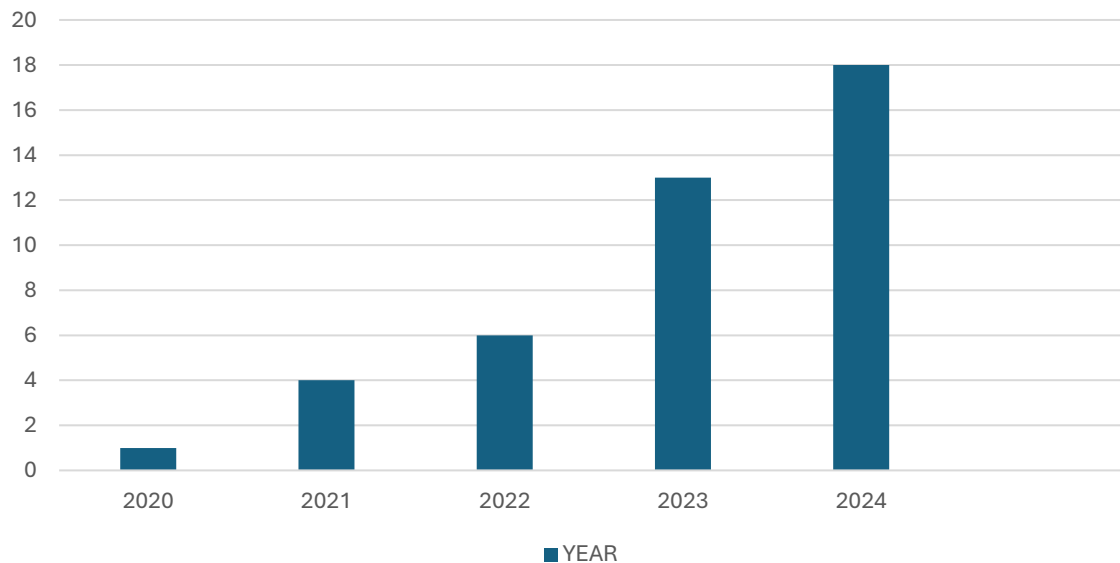
## MOTOR VEHICLE ACCIDENTS (MVA)



## MVA - HIGHWAY 9 VS. TOWN ROADS



## DRIVING UNDER THE INFLUENCE IN BLUE RIVER



## Ordinance 2025-02

A ORDINANCE ADOPTING THE 2024 EDITIONS OF THE INTERNATIONAL BUILDING CODE, INTERNATIONAL RESIDENTIAL CODE, INTERNATIONAL MECHANICAL CODE, INTERNATIONAL PROPERTY MAINTENANCE CODE, INTERNATIONAL EXISTING BUILDING CODE, INTERNATIONAL ENERGY CONSERVATION CODE, INTERNATIONAL SWIMMING POOL AND SPA CODE, INTERNATIONAL WILDLAND-URBAN INTERFACE CODE, INTERNATIONAL FIRE CODE, THE 2023 NATIONAL ELECTRICAL CODE, COLORADO FUEL GAS CODE, COLORADO PLUMBING CODE, COLORADO MODEL ELECTRIC READY AND SOLAR READY CODE ALL REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS OR STRUCTURES, AND BUILDING SERVICE EQUIPMENT; REPEALING ALL CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE OF June 1, 2025.

WHEREAS, the Town of Blue River Building Official has recommended the adoption of the 2024 International Building Codes with the amendments as provided; and,

WHEREAS, copies of the 2024 International Building Code, International Residential Code, International Mechanical Code, International Fire Code, International Energy Conservation Code, International Property Maintenance Code, International Existing Building Code, National Electrical Code, Colorado Plumbing Code, Colorado Fuel-Gas Code and the Colorado Model Electric Ready and Solar Ready Code are available for public inspection and review at ICCSAFE.ORG, NFPA.ORG and COLORADO.GOV; and,

WHEREAS, all existing, unexpired, and active permits that were issued prior to the adoption date of resolution shall be completed under the version of the code in place at time of permit issuance; and,

WHEREAS, upon consideration of the same, the Board of Trustees finds that the proposed 2024 building codes are reasonable and appropriate, will promote public health, safety, and welfare, and should accordingly be adopted.

WHEREAS, the Town of Blue River, Colorado (“Town”) is a statutory town, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-401, the Town by and through its Board of Trustees (“Board”), possesses the authority to adopt laws and ordinances within its police power in furtherance of the public health, safety and welfare; and

WHEREAS, Colorado Revised Statutes § 31-16-201 to 208 provides that municipalities may adopt certain codes and standards by reference; and

WHEREAS, Pursuant to CRS § 31-16-204, the Board of Trustees may alter and amend any building code; and

WHEREAS The Town of Blue River, Board of Trustees did approve **Ordinance 5**, Series of 2023, adopting with certain amendments the International Building Code, 2018 Edition which is codified as Blue River Municipal Code Chapter 18 – Building Regulations, and the Board of Trustees now desires to repeal and reenact the entire Article II with the adoption of this ordinance.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN BOARD FOR THE TOWN OF BLUE RIVER, COLORADO AS FOLLOWS:

Section 1. Chapter 18 Article II– Building Codes are repealed entirely and reenacted as follows:

## ARTICLE II Building Codes

### Sec. 18-2-10. Administrative.

- (a) No building or work on any building shall be commenced within the Town without first obtaining a building permit as required by this Article and the codes adopted herein and paying the appropriate building permit fee.
- (b) For any work requiring a contractor license pursuant to Section 18-1-70 of this Code, permits under this Article shall only be issued to the contractor or registrant or their authorized representative. It shall be unlawful for any person to fraudulently use a license or registration issued to a contractor or registrant to obtain a permit for another person.
- (c) The Board of Trustees may retain an independent contractor to serve as the Building Department for the Town of Blue River pursuant to a written contract approved by the Board of Trustees, which contract shall appoint a person to serve as Building Official, and set forth the general duties, responsibilities and requirements of the Building Official. No member of the Building Department shall be an officer of the Town or hold any other elected or appointed office or position within the Town. Members of the independent contractor shall not be considered employees of the Town.

### Sec. 18-1-20. Adoption of codes.

- (a) Pursuant to Title 31, Article 16, Part 2, C.R.S., the codes and standards hereinafter described are hereby adopted by reference, subject to the amendments herein set forth. The subject matter of the codes and standards adopted herein includes the regulation of the new construction, alteration and repair of all new and existing structures, along with all plumbing, mechanical, electrical and installations therein or in connection therewith. In case of any conflict between a code adopted herein and any other specific provision of the Town of Blue River Municipal Code, the specific provision of the Town of Blue River Municipal Code shall prevail. Copies of the referenced codes and standards are available for public inspection and review by any interested party at ICCSAFE.org, NFPA.org and COLORADO.gov
- (b) The International Building Code, 2024 Edition, First Printing, August 2023, as amended, and appendix G for flood resistant construction, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Building Code as if fully set out in this Article with the additions deletions insertions and changes as follows:
  - (1) IBC Section 101.1. (title) is amended by the addition of the term Town of Blue River where indicated.
  - (2) IBC Section 101.4.3 (Plumbing) is amended to read in its entirety:  
The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. Private sewage disposal systems shall comply with Summit County Public Health Department regulations. Sewer systems shall comply with Upper Blue Sanitation District regulations.
  - (3) IBC Section 105.2 (Work Exempt from Permit) Number 1 is deleted in its entirety

- (4) IBC Section 105.5 (expiration) is amended to read in its entirety:  
Every permit shall become invalid unless the work authorized by such permit is commenced within 365 days after its issuance. The building official is authorized to grant one or more extensions of time, for a period of not more than 365 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated.
- (5) IBC Section 110.3.1 is amended by adding a new subsection as follows:  
110.3.1.1 Survey. For all new buildings or additions, before foundation inspections and approval thereof, it shall be required that the owner, lessee, builder or contractor locate the property boundaries with a professional surveyor placing at the property corners of the building site, stakes or other monuments to establish said boundaries. The building official shall receive an Improvement Locations Certificate completed by a Colorado licensed surveyor.
- (6) IBC Section 110 is amended by adding a new section to read as follows:  
110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.  
This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefor in writing and pay the reinspection fee in accordance with the fee established by the building official. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
- (7) IBC Section 111 is amended by adding the following new section:  
Section 111.5 Certificate of Occupancy Required. No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy as provided in this code. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this Code or other ordinance of the Town. A certificate of occupancy shall be issued by the Building Inspector or by the duly appointed official of the Town upon successful completion of the site and building and utility inspections, as applicable. Failure to obtain a certificate of occupancy is noncompliance and shall be punishable by the penalties indicated in Section 18-2-50.
- (8) IBC Section 113.1 (general) is deleted and replaced to read in its entirety:  
In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be a board of appeals created when necessary. The board of appeals shall be appointed by the building official and be approved by the Town Manager and shall hold office at its pleasure. The board shall adopt rules of procedure for

conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

- (9) IBC Section 718 is amended by adding a new subsection as follows:  
718.6 Fireplace enclosures. Fireplace enclosures shall be protected from the inside by no less than 5/8" type "X" drywall or one-hour fire resistive materials. Portions that extend above the roof line are not required to be protected.
- (10) IBC Section 1507.1.2 is amended to read in its entirety:  
1507.1.2 Ice Barriers. An ice dam protection that consists of an approved self-adhering modified bitumen sheet underlayment shall be used at all sloped roofs. This ice dam protection underlayment shall extend up the slope of the roof from the drip edge of the roof or eave and cover the entire roof deck surface. In new construction, ice dam protection shall extend a minimum 30 inches up walls adjacent to the roof surface.  
Exception: Detached accessory structures not containing conditioned space.
- (11) IBC Section 3303 is amended by adding the following new section:  
3303.8 Asbestos. Prior to the commencement of demolition, the owner of the property shall either submit to the Town a certification, in a form reasonably acceptable to the Town, that the structure is asbestos-free or submit a plan for removal of asbestos for approval by the building official and appropriate agencies with the State of Colorado.
- (c) The International Residential Code, 2024 Edition, First Printing, "January 2024", and appendices, BE and BO, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, including sections amended by the State of Colorado; Department of Regulatory Agencies, as part of the Colorado Plumbing Code and Colorado Fuel Gas Code listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Residential Code as if fully set out in this ordinance with the additions deletions insertions and changes as follows:
- (1) IRC Section R101.1. (Title) is amended by the addition of the term Town of Blue River where indicated.
- (2) IRC Section 105.2 (Work Exempt from Permit) Number 1 and 2 are deleted in their entirety.
- (3) IRC R105.5 (Expiration) is amended to read in its entirety:  
Every permit shall become invalid unless the work authorized by such permit is commenced within 365 days after its issuance. When the work has commenced, the building official is authorized to grant one or more extensions of time, for a period of not more than 365 days each. The extension shall be requested in writing and justifiable cause shall be demonstrated.
- (4) IRC Section 106 is amended by adding a new subsection as follows:  
Section R106.6 Asbestos. Upon permit application and prior to the commencement of demolition, the owner of the property shall either submit to the Town a certification, in a form reasonably acceptable to the Town, that the structure is asbestos-free or submit a plan for removal of asbestos for approval by the building official and appropriate agencies with the State of Colorado.

- (5) IRC Section 108.6. (work commencing before permit issuance) is amended to add the following sentence at the end of the paragraph: "The fee shall be equal to 100% of the original building fee in addition to the required permit fees."
- (6) IRC Section R109.1.1 (foundation inspection) is amended by adding a new subsection as follows:  
 R109.1.1.1 Lot boundaries  
 For all new buildings or additions, before foundation inspections and approval thereof, it shall be required that the owner, lessee, builder or contractor locate the property boundaries with a professional surveyor placing at the property corners of the building site, stakes or other monuments to establish said boundaries. The building official shall receive an Improvement Locations Certificate completed by a Colorado licensed surveyor.
- (12) IRC Section 109 is amended by adding a new section to read as follows:  
 109.5 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.  
 This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefor in writing and pay the reinspection fee in accordance with the fee established by the building official. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.
- (7) Delete Section R110.4 (temporary certificates) in its entirety
- (8) Section R110 (Certificate of Occupancy) is amended by adding the following new section:  
 Section R110.5 Certificate of Occupancy Required  
 No building or structure shall be used or occupied until the Building Official has issued a certificate of occupancy as provided in this code. Issuance of a certificate of occupancy shall not be construed as approval of a violation of the provisions of this Code or other ordinance of the Town. A certificate of occupancy shall be issued by the Building Inspector or by the duly appointed official of the Town upon successful completion of the site, building and utility inspections, as applicable. Failure to obtain a certificate of occupancy before permit expiration is noncompliance and shall be punishable by the penalties indicated in 18-2-50
- (9) Section R112.1 (General) is amended to read in its entirety:  
 In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be a board of appeals created when necessary. The board of appeals shall be appointed by the building official and be approved by the Town Manager and shall hold office at its pleasure. The board shall adopt rules of procedure for

conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

- (10) IRC Section 202 (definitions) is amended by changing or adding the following definitions with all others to remain unchanged:

**Basement:** A story that is not a story above grade plane or underfloor spaces with a height of more than 7 feet.

**Patio Cover:** A structure with no less than 65% of the wall area under 6 feet 8 inches screened or glazed and less than 12 feet in height, used for recreation or outdoor living purposes associated with a dwelling unit.

**Sleeping Loft:** A space designated for sleeping on an intermediate level or levels between the floor and ceiling of a *story*, open on one or more sides to the room in which the space is located.

**Sleeping Room:** A room or space that does not have a clear and permanent use other than sleeping, as determined by the building official, and meets the following criteria: 1: Exceeds 70 sqft. 2: has walls and doors. 3: contains a closet space.

- (11) IRC Table R301.2 is filled to provide the following:

Table R301.2(1)

Climatic and Geographic Design Criteria

Ground Snow Load	Wind Design				Seismic Design Category	Subject to Damage		
	Speed (mph)	Topographic effects	Special wind region	Wind-borne debris zone		Weathering	Frost line depth	Termite
ASCE 7-22	ASCE 7-22*	YES	Yes	NO	B	SEVERE	42 inches	SLIGHT TO MODERATE
Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp				
-10 F	YES	SEE MAPS	2500	32 F				
Manual J Design Criteria								



Elevation	Latitude	Winter heating	Summer cooling	Altitude correction factor	Indoor design temperature	Design temperature cooling	Heating temperature difference
10,036 FT	39.4088 N	-13 F	81 F	.69	72 F	75 F	85 F
Cooling temperature difference	Wind velocity heating	Wind velocity cooling	Coincident wet bulb	Daily range	Winter humidity	Summer humidity	
6	15 MPH	7.5 MPH	51	HIGH (H)	50 %	50%	

\*Hurricane prone region provisions are not required

- (12) IRC Section R309 (automatic sprinkler systems) is amended to read in its entirety:  
R309.1 Townhouse automatic sprinkler systems.  
An automatic sprinkler system shall be installed in townhouses and shall comply with NFPA 13D and be approved by the Fire Department.  
Exception: An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system and not adding an additional dwelling unit.  
R309.2 One- and two-family dwellings automatic fire sprinkler systems.  
An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings that exceed 6000 square feet of total aggregate fire area.  
R309.2.1 Design and installation.  
Automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA 13D and be approved by the Fire Department.
- (13) IRC Section 310.3 Number 2 is amended to read in its entirety:  
2. Outside each separate sleeping area within 15 feet of the doorway of the sleeping rooms
- (14) IRC Section 311.3 is amended to read in its entirety:  
Carbon monoxide alarms in dwellings units shall be installed outside of each separate sleeping area within 15 feet of the doorway of the sleeping rooms. Where a fuel-burning appliance is located within a sleeping room or its attached bathroom or communicative spaces within such, a carbon monoxide alarm shall be installed within the sleeping rooms.
- (15) Add section R313.2 (Internal Fire Protection) with the following language:  
R313.2 Internal Fire Protection. Unsprinklered residences between 4,000 and 6,000 square feet shall be provided with 5/8 inch Type “X” drywall or ½” Cementous board throughout the structure.
- (16) IRC Section R315 (sleeping lofts) is deleted and replaced to read in its entirety:  
Where provided in dwelling units or sleeping units, sleeping lofts shall comply with the requirements for a sleeping room.

- (17) IRC Section 317.5 (fire sprinklers) is amended to read in its entirety:  
Where the home is required to be sprinklered, the garage shall comply with NFPA 13D.
- (18) IRC Section R325.8 is amended by adding a new subsection:  
R325.8.1 Single Heating Source. In homes under 800 sqft of total habitable area, a single heat source shall be permitted.
- (19) IRC Section R403.1.4.1 is amended by adding a new subsection as follows:  
R403.1.4.1.1. Frozen Soil. All snow, frost and ice must be removed from the forms, reinforcing steel, embedded materials and similar items before concrete placing is begun. Concrete should never be placed on frozen subgrade as to do so can result in loss of support when the ground thaws. The Building Official shall be provided sufficient evidence that the soil is not frozen at the time of inspection and during the pour.
- (20) IRC Section R902.1 (roof assemblies.) is amended to read in its entirety:  
Roof decks shall be covered with materials as set forth in Section R904 or with roof coverings as set forth in Section R905. Roof assemblies shall be class A, and they shall be tested in accordance with ASTM E108 or UL 790. The roof assembly shall be listed and identified as to class by an approved agency.
- (21) IRC Section R905.1.2 is amended to read in its entirety:  
R905.1.2 Ice Barriers. An ice dam protection that consists of an approved self-adhering modified bitumen sheet underlayment shall be used at all sloped roofs. This ice dam protection underlayment shall extend up the slope of the roof from the drip edge of the roof or eave and cover the entire roof deck surface. In new construction, ice dam protection shall extend a minimum 30 inches up walls adjacent to the roof surface.
- (22) IRC Section R908.4.1 (roof recovering over wood shingles or shakes) is amended to read in its entirety:  
The application of a new roof covering over wood shingles or shakes shall be prohibited.
- (23) IRC Chapter 10 is amended by adding a new section to read as follows:  
Section 1007 Fire Protection  
1007.1 Fireplace enclosures. Fireplace enclosures shall be protected from the inside by no less than 5/8" type "X" drywall or one-hour fire resistive materials. Portions that extend above the roof line are not required to be protected.
- (24) IRC Chapter 11 (Energy Efficiency) is deleted and replaced with the following to read in its entirety:  
Section N1101 Scope and General Requirements  
N1101.1 Scope.  
This chapter applies to the design and construction of residential buildings as regulated by this code.  
N1101.2 Referenced Code  
Residential provisions of the 2024 International Energy Efficiency Code as adopted and amended shall regulate the design and construction of residential structures for energy efficiency.
- (25) IRC Section M1414.1 is amended by adding an additional sentence to the section to read:

- Fireplace stoves shall comply with the requirements of the State of Colorado; Department of Public Health and Environment.
- (26) IRC Section M1502.6 (makeup air) is amended to read in its entirety:  
M1502.6 Makeup air. installations exhausting more than 300 cubic feet per minute shall be provided with makeup air.
- (27) IRC Section M1701 is amended by adding a new subsection to read as follows:  
M1701.3 Combustion air terminations. Combustion air terminations shall be a minimum of 36 inches above ground level.
- (28) IRC Section M1804 is amended to add a new subsection to read as follows:  
M1804.5 Termination Heights. Direct vent and mechanical draft systems shall terminate at a height of no less than 36 inches above ground level.
- (29) IRC Section M2001 is amended by adding a new subsection to read as follows:  
M2001.5 Drain required. All mechanical rooms containing a boiler shall be provided a floor drain.
- (30) IRC Section G2404 is amended by adding a new subsection as follows:  
2404.12 Flue Testing  
2404.12.1 Testing. All exhaust vents for fuel fired equipment shall be tested to a minimum of 5 PSI air test at time of rough inspection. This test shall include all piping from the exterior termination to within 2 feet of the equipment connection. Piping shall hold pressure for no less than 10 minutes. Final connections are verified visually on final inspection. Piping without joints shall not be required to be tested.
- (31) IRC Section G2406.3 is amended to add the following sentence:  
All exterior fire pits and fireplaces shall not be installed on or under combustible structures unless the entire appliance is listed and tested as a unit for that application.
- (32) IRC Section G2417.4.1 is amended to read in its entirety:  
The test pressure to be used shall not be less than 1-½ times the proposed maximum working pressure, but not less than 10 psig. Where the test pressure exceeds 125 psig, the test pressure shall not exceed a value that produces a hoop stress in the piping greater than 50 percent of the specified minimum yield strength of the pipe.
- (33) IRC Section G2445 is deleted and replaced with the following language:  
G2445.1 (general)  
Unvented room heaters are prohibited.
- (34) IRC Section P2603.5 (Freezing) is amended to read in its entirety:  
P2603.5 Freezing. Water soil and waste pipe shall not be installed outside of a building thermal envelope, in exterior walls, in attics or crawlspaces, or any other space subjected to freezing temperatures unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 60 inches deep or protected from frost by approved means.
- (35) IRC Section P2603.5.1 (Sewer Depth) is amended by inserting “24 inches” in both locations where indicated.
- (36) IRC Section P2904 (dwelling unit sprinkler systems) is deleted in its entirety.
- (37) Section P2905.3 (hot water supply to fixtures) is amended by changing 100 feet to 30 feet.

- (38) IRC Section P3103.1 (roof extension) is amended to read in its entirety:  
P3103.1. Roof extension. All open vent pipes which extend through a roof shall be terminated at least 16 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof
- (39) IRC Part VIII is deleted and replaced with the following to read in its entirety:  
3401.1 Referenced Code. Electrical and associated installations shall comply with the requirements of the Town of Blue River Electrical Code as adopted in section (l)
- (d) The International Mechanical Code, 2024 Edition, First Printing, May 2024, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Mechanical Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) IMC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (e) The Colorado Fuel Gas Code, as adopted by the State of Colorado; Department of Regulatory Agencies as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Fuel Gas Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) IFGC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (f) The Colorado Plumbing Code, as adopted by the State of Colorado; Department of Regulatory Agencies as listed in Rule 3 CCR 720-1 pursuant to the authority granted to the Colorado Plumbing Board by 12-155-105(1)e and 12-155-106(1) and (5), C.R.S., is hereby adopted by reference as the Town of Blue River Plumbing Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) IPC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (2) IPC Section 903.1 (roof extension) is amended by inserting “12 inches” where indicated
- (g) The International Property Maintenance Code, 2024 Edition, First Printing, July 2023, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Property Maintenance Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) IPMC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (2) IPMC Section 102, Applicability, is amended by the addition of a new Subsection 102.11 to read as follows:  
102.11 Conflicts with other provisions. In the event of a conflict between the provision of this code and any other provision of the Town of Blue River Land Use Code or other codes adopted by the Town, the stricter provision shall govern,

it being the intent of the Board of Trustees to enforce requirements pertaining to the health, safety and welfare of the Town's residents and businesses.

- (3) IPMC Section 103, (Department of Property Maintenance Inspection) is amended to read as follows:  
103.1 Code Official. The Code Official, as that term is used in this code, shall be the designated code enforcement officer or the building official where applicable.
- (4) IPMC Section 111.2 (Membership of Board) is amended to read as follows:
- (5) 111.2 Board of Appeals. The Board of Appeals, as that term is used in this code, shall be the Board of Adjustment created and governed by the Land Use Code.
- (6) IPMC Section 302.4: Insert "twelve (12) inches." where indicated
- (7) IPMC Section 602.3: Insert "October 1 to May 1." where indicated
- (8) IPMC Section 602.4: Insert "October 1 to May 1." where indicated
- (h) The International Existing Building Code, 2024 Edition, First Printing, August 2023, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Existing Building Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows.
- (1) IEBC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (2) International Existing Building Code is amended by replacing all references to "ICC Electrical Code" with "Code Adopted by the Colorado State Electrical Board."
- (i) The International Energy Conservation Code, 2024 Edition, First Printing May 2024, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Energy Conservation Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
- (1) IECC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (2) IECC Section R402.2.10.1 is amended by adding a new sentence to read as follows:  
R-10 insulation shall be required where full slab insulation is required.
- (3) IECC Section R403.6.1 (Heat or energy recovery ventilation) is amended to read in its entirety:  
R403.6.1 Heat or energy recovery ventilation. Dwelling units over 800 sqft shall be provided with a heat recovery or energy recovery ventilation system. The system shall be a balanced ventilation system with a sensible recovery efficiency of not less than 65 percent at 32 degrees F at an airflow greater than or equal to the design airflow. The sensible recovery efficiency shall be determine from a listed value or from interpolation of listed values.
- (j) The Colorado Model Electric Ready and Solar Ready Code, June 1, 2023, published by the State of Colorado; Department of Local Affairs, 1313 Sherman St, Suite #518, Denver Colorado 80203, is hereby adopted by reference as the Town of Blue River Model Electric Ready and Solar Ready Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:

- (1) Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
- (k) The International Swimming Pool and Spa Code, 2024 Edition, First Printing, July 2023, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Swimming Pool and Spa Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
  - (1) ISPSC Section 101.1 (Title) is amended by the addition of the term Town of Blue River where indicated.
  - (l) The National Electrical Code, as adopted by the State of Colorado; Department of Regulatory Agencies, as listed in Rule 3 CCR 710-1 is hereby adopted by reference as the Town of Blue River Electrical Code as if fully set out in this ordinance.
  - (m) The International Wildland-Urban Interface Code, 2024 edition, First Printing “October 2023”, and appendix C, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, is hereby adopted by reference as the Town of Blue River Wildland-Urban Interface Code as if fully set out in this ordinance with the additions, deletions, insertions and changes as follows:
    - (1) IWUIC Section 103.1 is amended to read in its entirety:

The enforcement agency is hereby created and the officials in charge of thereof shall be known as the code officials. The building official shall provide enforcement of provisions related to the new construction or alteration of structures, and the Fire Official shall provide enforcement of provisions relating to the site and maintenance of the structure and site.
    - (2) IWUIC Section 302.2 is deleted and replaced with the following:

302.2 Designations. All locations in the jurisdiction shall be considered wildland-urban interface areas.
    - (3) IWUIC Section 502 is deleted and replaced with the following:

Section 502: Fire Hazard Severity  
502.1 General. Fire hazard severity is extreme in all locations of Town of Blue River Jurisdiction

**Sec. 18-1-30. Purpose.**

The purpose of adopting the foregoing code is to protect the public health, safety and general welfare of the inhabitants of the Town by providing for sound and safe structures and prohibiting certain practices.

**Sec. 18-1-40. Scope.**

The subject matter of the adopted primary code and secondary codes includes the construction, erection and demolition of buildings, providing for the issuance of permits for certain construction and regulating construction practices and establishing standards for construction in the Town.

**Sec. 18-1-50. Violations and penalty.**

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code. A person or entity who

violates this Code may be fined in an amount not to exceed two thousand six hundred and fifty dollars (\$2650.00), or imprisoned for not more than one (1) year or suffer both fine and imprisonment. A separate offense shall be deemed committed on each day or portion thereof that the violation of any of the provisions of this Article occurs or continues unabated after the time limit set for abatement of the violation.

## Staff Report

To: Board of Trustees

From: Kyle Parag, Chief Building Official

RE: 2024 Codes adoption

Date: 12/23/2024

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### **BACKGROUND/ANALYSIS:**

The Town adopts Building Codes that provide specific details and requirements related to construction of buildings and structures within the Town to assure a safe built environment. These Building Codes are based on a national council that continuously implements code changes based on industry standards, requirements, events, and material innovations. The Council produces new versions with updates every 3 years and jurisdictions are suggested to adopt the newer versions on a regular basis.

ISO (Insurance Services Office) Ratings are important to the community in both the availability of homeowners insurance and the premiums associated with the insurance. Updating the adopted building and fire codes will improve the rating. ISO requires the jurisdiction to be on a code series no older than 6 years old for improved ratings.

The State of Colorado has created a Wildland-Urban Interface Code (CWRC), which all jurisdictions will be required to adopt by October 1, 2025. HB22-1362 will in turn require all jurisdictions in Colorado to update to a minimum of the 2021 Energy Code (IECC) this year. To stay ahead of the requirement and to keep the county in compliance, it is suggested we begin the process of reviewing the new codes and determining the best course of action without time pressure.

### **RECOMMENDATION:**

The Building Official recommends the adoption of the 2024 I-Codes Series with the amendments in the exhibit. This adoption includes the model electrical and solar code, and the IWUIC, in which the CWRC is based on.

### **KEY CHANGES:**

From our current adopted codes, please see the key changes the newer version and the proposed amendments will mean.

- (a) The IBC has increased clarity and more defined requirements for fire safety
- (b) Adoption of new appendix, BE  
BE-Radon Control- The County has not regulated the installation of the Radon systems before



- (c) Updated hazard loads for commercial buildings
- (d) Imaginary lot lines are available for easier determination of fire separation requirements
- (e) Accessory rooms can now be shared between two-family dwellings
- (f) Improved landing requirements for stairways
- (g) New section (sleeping Loft) is created in the 2024 IRC, reducing safety requirements for these sleeping areas.
- (h) Snow loads are using ASCE 7-22 mapping without reductions
- (i) Energy conservation code, the 2024 version corrected a big issue in our climate. The 2024 version is considered 10% more restrictive than the 2018 version, with only an increase requirement for exterior walls in our location. (Table R402.1.3)
- (j) Adoption of the Colorado Model Electric and Solar Codes
- (k) Adoption of the Wildland-Urban Interface Code
  - a. Adoption will require homes to be fire resistant rated from the exterior
  - b. Decks will be required to be non-combustible
  - c. Mapping will be created for the Extreme and High hazard areas
  - d. All home in Extreme will require sprinkler systems
  - e. Regulates access and addresses more effectively for the fire department
- (l) Fire Sprinkler systems. Adoption of the WUIC will require all homes that do not meet the criteria to be reduced to High hazard to have a sprinkler system regardless of size.

#### ITEMS FOR DISCUSSION:

1. Accessory Dwelling Units
  - a. Current zoning regulations
  - b. New Appendix
2. Potential sleeping room definition
3. Fire protection inside fireplace enclosures
4. Snow shed barriers
5. Radon requirements
6. Limiting solid fuel fireplaces
7. Energy Code (walls)
8. Snow and wind loads (ASCE 7-22)
9. Colorado Model Electric Ready and Solar Ready Code
10. Sleeping Lofts
11. Heat or energy recovery ventilation R403.6.1
12. CWRC and the 2024 IWUIC.
  - a. CWRC only hardens the home
  - b. IWUIC is more comprehensive code
    - i. Some requirements are:
      1. Driveway access
      2. Residential Fire sprinklers in remote homes
      3. Water Access for firefighting
      4. Addressing
      5. Bridge requirements
      6. Defensible space
      7. Fire protection plan



# Town of Blue River Memorandum

TO: Mayor Decicco & Members of the Board of Trustees

FROM: Town Manager Michelle Eddy; Code Ambassador Ryan Cyphert

DATE: January 14, 2025

SUBJECT: **Code Enforcement**

Mayor & Board of Trustees

In November 2024, the Town hired a Code Ambassador to begin to address code violation issues throughout Town. Below is a summary of the violations observed based on existing Town Code. Staff would like to request direction on enforcement as well as to whether or not existing Code should be modified.

Code	Violation	# Observed	% of Total	
11-1-40-	No street number	90+	33.33%	*****
8-2-10 (c)	Too many vehicles	25	18.52%	****
8-2-20 (a)(1)	Construction vehicle in drive w/o permit	30+	22.22%	
8-2-20 (a)(2)	Commercial vehicle	20+	14.81%	***
8-2-20 (a)(4)	Enclosed trailer/bus/RV storage	50+	37.04%	**
8-2-20 (a)(5)	Snowmobile storage	5	3.70%	
7-6-120 / 7-6-130	Non bear proof trash	7	5.19%	*

\*\*\*\*\* There are more missing numbers than I documented on the Violations sheet. Some streets had whole rows of homes without. I would believe that the percentage above is close to correct for the total number of homes in town that either do not have street numbers or whose street numbers are non-compliant, unable to be seen or deciphered.

\*\*\*\* The number of vehicles in drives varies by time of day. Drive-bys during work and business hours nets less violations for code 8-2-10 (c). But on holidays, weekends, evenings the numbers swell

\*\*\* There are too many commercial vehicles parked in and around lots to get a clear number of offenses. But the code 8-2-20(a)(2): "Commercial trucks and trailers and other vehicles used in connection with any home occupation (are prohibited) except insofar as the same are used solely for personal purposes" is a bit vague as to prohibited commercial vehicle usage

\*\* There are many enclosed trailers, RV's and buses stored/parked throughout the town. It is difficult to ascertain if someone is expressly living in or using the vehicles for storage purposes, but there are tell-tale signs.

\* Non bear-proof containers left outside only showed to be roughly 5% of the found violations but there are more offenses than what was recorded. Again, it can be difficult to ascertain if the canister is indeed bear proof. The number of cans observed outside that aren't specifically, verifiably bear-proof is greater than the recorded violations

Section VI, Item M.



# Town of Blue River Memorandum

TO: Mayor Decicco & Members of the Board of Trustees  
FROM: Town Manager Michelle Eddy  
DATE: January 13, 2025  
SUBJECT: **Sheds**

Mayor & Trustees

Following up from the discussion on sheds from November 2024, below are the recommendations for process and fees. Attached is an ordinance for consideration and adoption.

## Definitions and current Land Use Code

(a) Generally.

(1) A shed is an enclosed or substantially enclosed building or structure limited to non-habitable space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type; (ii) the storage, whether permanent or temporary, of personal recreational motorized vehicles; and/or (iii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

NOTE: because a shed can be used for a “personal recreational motorized vehicle” motorcycles are allowed in a shed. The definition of “shed” in the LUC expressly permits “*motorcycles, trail bikes, snowmobiles, all-terrain vehicles, low power scooters, golf carts, motorized bicycles, and boats.*”

(2) A shed is an accessory improvement to a lawfully existing dwelling unit. A shed shall not be located on a lot absent an existing lawful dwelling unit. 19 E.g. garage, greenhouse and other structures at <https://www.farmtek.com>; and <https://www.clearspan.com>.

(b) Location Requirement. (1) Sheds shall not be located within a setback. (2) Sheds shall not be located where the shed will conflict with the purpose and intent of a lawful easement or other encumbrance or limitation affecting the lot.

(c) Number of Sheds Allowed. No more than two (2) sheds are permitted on any one lot.

(d) Maximum Shed Size. The maximum total size of the first floor any shed on a lot whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. Where more than one shed is present on a lot, the maximum total size of the first floor of all sheds shall not exceed a total of 200 square feet.

(e) Maximum Shed Height. The maximum height of any shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height both the principal permitted structure and use of a property.

(f) Design Standards. A shed, whether attached or detached to a building or structure, is encouraged to be consistent with the principal permitted building on the same lot in terms of architectural style, building materials, and color.

(g) Prohibitions.

The following structures or designs are prohibited:

(1) Structures greater than 100 square feet in total surface area without walls on three or more sides (e.g., a pole barn or a lean to).

(2) Mobile, portable, or temporary non-permanent shelters or improvements designed or intended to provide protection from the elements, storage, workspace, or other similar purpose (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing structure or frame).<sup>20</sup>

(3) ClearSpan™ buildings, structures, garages, mini garage, sheds, mini sheds, mini, barns.<sup>21</sup>

### Proposed Changes

1. Sheds shall not exceed 399 square feet.
2. Two levels of shed permits will exist
  - a. Small 1-200 square feet
  - b. Large 201-399 square feet
3. Properties may have TWO Small sheds located within the buildable area or ONE Large shed. Owners will not be allowed to have one large and one small.
4. Sheds “shall” be designed to match the building materials and colors of the principal residential building (the home). Sheds do not need to match the roof pitch of the main home.
5. Fees/Process:
  - a. Small sheds: \$25
    - i. Review administratively by Town Hall staff
    - ii. Submittal Requirements
      1. Application
      2. Site plan with setbacks to verify placement within buildable area
      3. Materials list and colors
  - b. Large sheds: \$150
    - i. Review by the Building Official
    - ii. Submittal Requirements
      1. Application
      2. Site plan with setbacks to verify placement within buildable area
      3. Materials list and colors
      4. Structural Plans as deemed necessary by the Building Official
    - c. Inspection required as necessary
6. All other land use regulations will apply.

**DRAFT FOR BOARD DISCUSSION PURPOSES ONLY**

**TOWN OF BLUE RIVER, COLORADO**

**ORDINANCE NO. 2025-**

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE TOWN OF BLUE RIVER, COLORADO, AMENDING SECTIONS 16B-7-40 AND 16C-1-40(8) OF THE BLUE RIVER MUNICIPAL CODE (FOUND IN CHAPTERS 16B AND 16C OF THE LAND USE CODE) PERTAINING TO SHEDS AND GREENHOUSES**

**WHEREAS**, the Town of Blue River, Colorado (“Town”) is a statutory municipality incorporated and organized pursuant to the provisions of Section 31-2-101, et seq., C.R.S.; and

**WHEREAS**, the Board of Trustees for the Town of Blue River (“Board”) adopted in 2023 the Blue River Land Use Code (“LUC”) to govern and regulate the use of land within the Town; and

**WHEREAS**, the LUC authorizes sheds within residential lots subject to limitations on size, height, location, and design; and

**WHEREAS**, under a common understanding, a shed is not a garage and that, unlike garages, sheds are not intended for use for the parking or storage of motor vehicles; and

**WHEREAS**, the LUC incorporates the state law definition of “motor vehicle” as:

“any self-propelled vehicle that is designed primarily for travel on the public highways and that is generally and commonly used to transport persons and property over the public highways or a low-speed electric vehicle; except that the term does not include low-power scooters, wheelchairs, or vehicles moved solely by human power”

and such definition includes motorcycles (see C.R.S. § 42-1-102(55)); and

**WHEREAS**, the Board desires to recognize that sheds have an accessory purpose in support of the residential use of land, but that sheds should be regulated primarily based on shed size given that size of a shed may have a greater impact on adjacent properties and residential character of the neighborhood as a whole; and

**BE IT ORDAINED** by the Board of Trustees of the Town of Blue River, Colorado, as follows:

**Section 1. Amendment of Section 16B-7-40.** Section 16B-7-40 of the Municipal Code of the Town of Blue River titled *Sheds* is amended to read as follows:

**Sec. 16B-7-40. Sheds.**

(a) Generally.

- (1) A shed is an enclosed or substantially enclosed building or structure limited to non-habitable space designed, suitable, or intended for (i) the storage, whether permanent or temporary, of materials, goods, or equipment of any sort or type; (ii) the storage, whether permanent or temporary, of personal recreational motorized vehicles (i.e., motorcycles, ; and/or (iii) the use by the owner or tenant of the principal permitted structure for any lawful ancillary activity commonly associated with residential use, such as but not limited to hobbies, art studio, or greenhouse.

It shall be unlawful and a violation of the Municipal Code for any person to use or authorize the use of a shed for the permanent or temporary parking or storage of a motor vehicle (defined at Section 16-3-20). Each day a violation exists shall be a separate offense.

- (2) A shed is an accessory improvement to a lawfully existing dwelling unit. A shed shall not be located on a lot absent an existing lawful dwelling unit.

(b) Location Requirement.

- (1) Sheds shall not be located within a setback.
- (2) Sheds shall not be located where the shed will conflict with the purpose and intent of a lawful easement or other encumbrance or limitation affecting the lot.

(c) Types of Sheds. The Town recognizes two types of sheds:

- (1) Small Shed.
- (2) Large Shed.

(d) Maximum Shed Size.

- (1) Small Shed (up to 200 square feet). The maximum total size of the ground floor surface area of a Small Shed whether detached from or incorporated into a principal permitted structure shall not exceed a total of 200 square feet. Where more than Small Shed is present on a lot, the maximum total combined size of the ground floor surface area of all Small Sheds shall not exceed a total of 200 square feet.

- (2) Large Shed (201–400 square feet). The size of the ground floor surface area of a Large Shed whether detached from or incorporated into a principal permitted structure shall be greater than 200 square feet and not greater than 400 square feet.
  - (3) It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized size for the shed without the authorization and approval of a permit by the Town.
- (e) Number of Sheds Allowed.
- (1) Small Shed. No more than two (2) Small Sheds may be located on a lot.
  - (2) Large Shed. Only one Large Shed may be located on a lot.
  - (3) No Use of Lot for Both a Small Shed and a Large Shed. A Small Shed shall not be located on a lot on which a Large Shed is located. A Small Shed shall not be converted to a Large Shed if the lot is used for two (2) Small Sheds (i.e., conversion to a Large Shed requires the removal of the other Small Shed).
- (f) Maximum Shed Height.
- The maximum height of any shed shall be fifteen (15) feet. It is the intent of this subsection that sheds shall be subordinate in size and height to both the principal permitted structure and use of a property. It shall be unlawful and a violation of the Municipal Code for any person to alter or enlarge or to authorize the alteration or enlargement of a Small Shed or a Large Shed in a manner that would cause the shed to exceed the maximum total authorized height for the shed.
- (g) Design Standards.
- A shed, whether attached or detached to a building or structure, is encouraged to be consistent with the principal permitted building on the same lot in terms of architectural style, building materials, and color.
- (h) Prohibitions. The following structures or designs are prohibited:
- (1) Structures greater than 100 square feet in total surface area without walls on three or more sides (e.g., a pole barn or a lean-to).
  - (2) Mobile, portable, or temporary non-permanent shelters or improvements designed or intended to provide protection from the elements, storage, workspace, or other similar purpose (e.g., tents, fabric or plastic canopies, fabric and hybrid fabric/metal buildings or structures, hoop barns, pony wall buildings, and fabric covered steel tubing structure or frame).<sup>1</sup>



- (3) ClearSpan™ buildings, structures, garages, mini garage, sheds, mini sheds, mini barns.<sup>2</sup>(4) A shed greater than 400 square feet.
- (i) Variances. A variance shall not be available or granted which would:
  - (1) Authorize the construction of a Large Shed.
  - (2) Authorize the conversion of a Small Shed to a Large Shed.
  - (3) Authorize a Small Shed or Large Shed to exceed the maximum building height for a shed.
  - (4) Authorize a greater number of sheds than permitted by subsection (e) of this section.

<sup>1</sup> See, as an illustrative example only: <https://www.farmtek.com/farm/supplies/home>.

<sup>2</sup> See, e.g., <https://www.farmtek.com/farm/supplies/home>.

**Section 2. Amendment of Subsection (8) of Section 16C-1-40.** Section 16C-1-40(8) of the Municipal Code of the Town of Blue River titled *Applicability of Processes to Type of Application* is amended by the as follows:

<p>(8) <b>Shed or greenhouse</b> whether or not on a foundation</p> <p>(a) Small Shed</p> <ul style="list-style-type: none"> <li>(i) New construction.</li> <li>(ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</li> <li>(iii) Replacement or reconstruction of all or any portion of an existing Small Shed.</li> </ul>	<b>B</b>
<p>(b) Large Shed</p> <ul style="list-style-type: none"> <li>(i) New construction.</li> <li>(ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</li> <li>(iii) <b>Conversion of a Small Shed to a Large Shed.</b></li> <li>(iv) Replacement or reconstruction of all or any portion of an existing Large Shed.</li> </ul>	<b>B</b>
<p>(c) Greenhouse.</p> <ul style="list-style-type: none"> <li>(i) New construction.</li> <li>(ii) Expansion, enlargement, or addition in height, footprint, or square footage of an existing structure.</li> </ul>	<b>B</b>

(iii) Replacement or reconstruction of all or any portion of an existing structure.	
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**Section 3. Severability.** Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair, or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

**Section 4. Repeal.** Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

**Section 5. Minor Revision or Correction Authorized.** The Town Manager, in consultation with the Town Attorney, is authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

**Section 6. Effective Date.** The provisions of this Ordinance shall become effective thirty (30) days after publication following the final passage.

**INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED** at a regular meeting of the Board of Trustees of the Town of Blue River, Colorado, held on the [redacted] day of [redacted], 20\_\_.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Town Clerk

Published in the Summit County Journal \_\_\_\_\_, 20\_\_.



# Town of Blue River Memorandum

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TO: Mayor Decicco & Members of the Board of Trustees  
FROM: Town Manager Michelle Eddy  
DATE: January 13, 2025  
SUBJECT: **Accessory Dwelling Units (ADUs)**

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Mayor & Trustees

Below is information that has been collected concerning accessory dwelling units (ADUs). Included are the current regulations; a 2016 survey of residents; a section of the 2021 Comprehensive Plan identifying ADUs; a memo from Attorney Widner for discussion in 2022; and proposed regulations.

**Current regulations:**

Currently ADUs are not permitted. This includes apartments over garages, “lock-off” apartments separating an area within a single family home as a separate living unit. It is known that units exist within the community. Some were permitted prior to the change in law in 2002 and some have been created without permits and despite certificates of occupancy prohibiting space from being used as living space.

**Article 20 Accessory Apartments**

**Sec. 16A-20-10. Purpose and Applicability.**

(a) The purpose of this Article is to permit the construction of *accessory apartments* in single-family dwellings within R-1 zone districts subject to the criteria and conditions set forth below.

(b) The provisions of this Article shall apply only to R-1 building sites which exist on *lots* created by the elimination of a *lot line* formerly existing between two (2) *lots*, thus combining two (2) former *lots* into one (1) *lot*.

**Sec. 16A-20-20. Reserved.**

**Sec. 16A-20-30. Location and Design.**

An *accessory apartment* shall be incorporated into the primary residence on the property or a garage serving the primary residence. Residences which contain *accessory apartments* shall be designed so as to retain a single-family character. An *accessory apartment* may have a separate kitchen and may have a separate entrance from that of the residence with which it is associated.

**Sec. 16A-20-40. Number of Units Allowed.**

(a) Where *accessory apartments* are permitted, no more than one (1) accessory apartment shall be permitted on each lot or parcel. In order to maintain the single-family character of neighborhoods where *accessory apartments* are permitted, a maximum of ten percent (10%) of the single-family dwellings in each subdivision filing at build-out shall be approved for *accessory apartments*.

(b) No *accessory apartments* may be constructed without the express approval of the Board of Trustees

indicated on the plat by the signature of the Mayor and Town Clerk, nor may any *accessory apartment* be constructed within five hundred (500) feet of an existing or approved *accessory apartment*. The Board of Trustees may decrease this requirement, or modify the ten-percent limitation set forth above, when it is determined that sufficient buffering exists to limit the impact of units in close proximity. Buffering may consist of topographic, landscape or other physical features such as roads or vacant properties.

**Sec. 16A-20-50. Size of Units Allowed.**

Where *accessory apartments* are allowed, the square footage in the *accessory apartment* shall not exceed forty-five percent (45%) of the square footage contained in the primary residence, Town of Blue River, Colorado Land Use Code Page 81  
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excluding garage space, or not more than six hundred (600) square feet, whichever is less. In calculating the number of square feet in an *accessory apartment* to determine compliance with this Chapter, any garage or storage space associated with the *accessory apartment* shall be excluded.

**Sec. 16A-20-60. Water and Sewer.**

Prior to approval of an *accessory apartment*, the property owner shall provide proof of adequate water and sewer service to both the primary residence and the *accessory apartment*. If the unit is served by well and septic, approval of the County Environmental Health Department must be obtained.

**Sec. 16A-20-70. Parking.**

Each *accessory apartment* shall be provided with off-street parking only in a designated paved or graveled area with no more than two (2) spaces. The required parking may be in tandem or in a garage.

**Sec. 16A-20-80. Compliance with Building and Fire Codes.**

Where approval of an *accessory apartment* is sought by an owner for a *dwelling unit* existing before adoption of this Article, the *dwelling unit* shall be inspected and shall comply with applicable requirements of the Building and Fire Codes.

**Other Town/County Regulations**

**Frisco:**

*Accessory Dwelling Units.*

- A. Accessory dwelling units shall be no larger than 900 square feet.
- B. Accessory dwelling units shall not be used for short-term rental housing.
- C. Accessory dwelling units shall not be subdivided.
- D. In all districts where accessory dwelling units are permitted or conditional, except the PR and PF Districts, one accessory dwelling unit is permitted per principal dwelling unit or commercial unit.
- E. An accessory dwelling unit shall be counted as a unit of density, unless exempted by Section 180-5.5.1.

**Breckenridge**

An accessory dwelling unit shall meet each of the following criteria:

- A. Be no greater in size than the lesser of:
  - 1. One-third (1/3) of the total density of the primary unit; or
  - 2. One thousand two hundred (1,200) square feet;
- B. Conform with section [9-1-19-3A](#), Policy 3 (absolute) density/intensity, of this chapter;
- C. Title must be held in the same name as the owner of the primary unit;
- D. Lessees, including any other occupants and/or family members, must be employed at least thirty (30) hours per week in Summit County;
- E. Lease term must be for a period of time not less than six (6) consecutive months in a

year;

F. A covenant must be recorded by the owner upon the terms and conditions approved by the town including, but not limited to, restricting the use and occupancy of the property at a rental rate of one hundred twenty percent (120%) maximum of the area median income;

Section VII, Item O.

G. Not be used as an accommodation unit as that term is defined under section [4-1-2](#) of this Code; and

H. Not be left vacant for a period of thirty (30) or more consecutive days. The town may, in its sole and absolute discretion, and in addition to any other remedies, require that the accessory dwelling unit be offered for rent. (Ord. 34, Series 2021; amd. Ord. 35, Series 2022; Ord. 8, Series 2023)

## Summit County

The [Summit County Land Use and Development Code](#) allows for accessory dwelling units (ADUs), in most residential zoning districts, with the requirement that they are rented to a member of the local workforce. In nearly all cases, ADUs are now reviewed with a building permit submittal and do not require planning "pre-approval." ADUs can be incorporated into your primary residence, above and below a detached garage, or as a stand-alone dwelling unit. [Quick Reference Guide & Checklist](#)

## Proposed Regulations

It is proposed to allow accessory dwelling units with the following suggested regulations.

1. Meets the current defined regulations identified in the Land Use Code.
2. ADU must be built within the buildable area.
3. Must meet septic or sewer requirements.
4. May not exceed 5 vehicles parked in the driveway or proper parking space.
5. It is recommended that for an ADU to be permitted, it may not be used as a short-term rental. It is recommended that the short-term rental license (if one exists) would be voided for the main home as well. Property may have an ADU for a long-term lease only and main home may not be used as a short-term basis.
6. Create a permitting and inspection process for any existing ADUs to bring them into compliance and ensure they meet current building codes.

**Short-term Rentals/Housing**

Trend/Issue	Key Strategies & Priority Actions
<p><b>Housing</b></p>	<p>The Town should monitor the forms occupancy of residences (e.g., short and long-term rentals, full-time residents, and second homeowners) to best track and measure the community character. This information could be used in designing regulatory and other tools to best preserve the desired community character.</p> <p>Accessory dwelling units should be considered as a tool to address long-term rental housing shortages. A review of the existing code and potential impacts should be conducted. Preserving the community character should be an important consideration when evaluating the potential for accessory dwelling units. Accessory dwelling units should not be allowed for short-term rental.</p> <p>Encourage the Town to explore all factors that contribute to housing challenges within the Town. The Town should consider creating a mix and balance of full-time residents, second homeowners, short and long-term renters, and visitors to maintain the community character of Blue River.</p>



**Blue River Staff Report**  
January 2025

Town of Blue River 0110 Whispering Pines Circle Blue River, CO 80424	970-547-0545 michelle@townofblueriver.org <a href="https://townofblueriver.colorado.gov">https://townofblueriver.colorado.gov</a>
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**Special Election**

- The Town held a special election on December 17, 2024. Ben Stuckey was elected to fill the vacancy of Ted Pilling. He will serve in the position until April 2026.

**Transit-From Deputy Clerk John DeBee**

Staff attended the monthly Summit County Transit Authority meeting on December 11.

- The primary discussion focused on the pilot MicroTransit program which included:
  - With the implementation of the program being on the fast track through the November meeting, it has now been placed on a slower more in-depth analysis.
  - Drivers – recruitment, vetting, training and retention.
  - Funding – grants,
  - Vehicles – acquisition, branding and maintenance.
  - Live services – app for riders, target areas for service, monitor and manage services.
  - Customer service

**Upper Blue Planning Commission-Dan Cleary**

There hasn't been any new UBPC or Countywide PC meetings since my last update. But as part of the Draft Comp Plan review we received the interactive map from the county planning staff (see below):

*Good afternoon Upper Blue Planning Commissioners,  
 Thank you again for your time in reviewing and discussing the individual focus areas within your respective basins with us over these past couple of months. Our consultant team at Logan Simpson has put together a web-based Future Land Use Map for you all to be able to Zoom into areas of interest, and still maintain a sufficient level of detail.*

*<https://experience.arcgis.com/experience/5b8d04580dd9422c8e909e9ea4d2ab2b>*

*Please take some time to explore this map and email us back with any questions / comments you might have (ignoring the integrated editor/comment tools).*

*We appreciate your dedication with these efforts in helping us get Blueprint Summit where it needs to be!*

***Lili Girodie***



**Code Violations logged into Citizen Serve for 2024: 46**

- Advertising Violations: 17
- Dog Violation: 5
- Snow Removal Violation: 1
- Construction Site: 1
- Trash: 11
- Fire Pit: 3
- Noise: 1
- Other: 7

**Code Complaint Calls to Dispatch  
November/December Total Code Calls-25  
Violations attributable to STR: 10**

<b>Complaint</b>	<b>Subdivision</b>	<b>Action</b>
Dog at large	Blue Rock	Warning
Dog at large	Blue Rock	Citation
Dog at large	Blue Rock	Summons
Dog at large	Blue Rock	Summons
Dog at large	Wilderness	Warning
Noise	Mountain View	Warning
Noise	Timber Creek Estates	Warning
Noise	DOT Condo	Warning
Noise	DOT Condo	Warning
Noise	Spruce Valley Ranch	Warning
Parking	Timber Creek Estates	Warning
Parking	Timber Creek Estates	Warning
Parking	Timber Creek Estates	Warning
Parking	Timber Creek Estates	Warning
Parking	Pennsylvania Gulch	Warning
Parking	Coronet	Warning
Parking	Coronet	Warning
Parking	Mountain View	Warning
Parking	Sherwood	Warning
Parking	Sherwood	Warning
Parking	Town Park	Warning
Lights	New Eldorado	Warning
Lights	97 Circle	Warning
Signage	Blue Grouse	Warning
Signage	Blue Grouse	Warning

### **Town Statistics**

Facebook Page Likes  
Town-1,300  
Police Department-923  
Instagram-1,259 followers  
Threads-219  
Residents on Email List-1,027  
Blue River News-1,209  
TextMyGov-154

**Business Licenses-248**

**Lodging Registrations Issued-214\***  
as of 12/31/24

### **Municipal Court**

**January 2025**

Total tickets written for December  
Court: 23  
Total on the January Docket: 5  
Total January Failure to  
appear(s): 2  
Total January OJW(s): 1

### **Building Statistics**

**2024**

**Permits Issued: 9**  
**2024 Final: 180**  
**Inspections: 674**  
**New Construction 2024: 5**

**Certificates of Occupancy New  
Construction 2024:4**



End of Month Report: December 2024  
Chief Close

**Calls for Service**

Total number of a calls: 122

Top 10 calls as follows:

Traffic Stop	29
Motorist Assist	20
Suspicious Vehicle/Person	6
Code Enforcement	6
Other Agency Back up	5
Drunk Driver	4
Suicide Threat	4
Road Hazard	4
Disputes	3
Theft	3

**Summary:** No motor vehicle crashes in December is very rare as compared to recent years. The holiday season creates stress for some families and individuals and “Suicide Threats” and domestic violence were significantly higher resulting in arrests and involuntary mental health holds. Drinking and driving continued to threaten the public safety on our roadways as well. One officer resigned to address family priorities.

Arrests: 8 = all misdemeanor  
Motor Vehicle Crash: 0 = \*This is very unusual.  
DUI: 3  
Domestic Violence 2

**Citations Issued**

Municipal = 10  
County = 6

**Current Administrative Focus**

- Recruitment – The department is currently looking to fill open vacancy.
- End of year Reporting – The department is comprising and finalizing end of year mandated State reporting for compliance and statistical analysis.
- Annual Training Calendar – As the new year begins annual training to maintain certifications and continue with a high level of professional service starts over.

### Financial Summary Report

Prepared by: Michelle Eddy, Town Manager  
Month Ending December 31, 2024

#### Revenues/Expenditures:

Revenues finished the year 36% ahead of budget. Sales tax, lodging tax, building, interest and franchise fees are all finished ahead of budget. Expenses finished below budget by 9%.

#### Reserve Accounts \*As of 12/31/24

Unrestricted

Reserve accounts Alpine Bank:	\$1,478,474.30
Colorado Trust Assigned to Capital:	\$3,180,263.92
Colorado Trust Assigned to Broadband:	\$214,588.14
CSAFE:	\$100.00
Illiquid Trust Funds:	\$1,187.42
<b>Total Unrestricted</b>	<b>\$4,874,613.78</b>

Restricted

American Rescue Plan Funds:	\$185,715.88
Conservation Trust:	\$161,618.18
<b>Total Reserves Restricted</b>	<b>\$347,334.06</b>

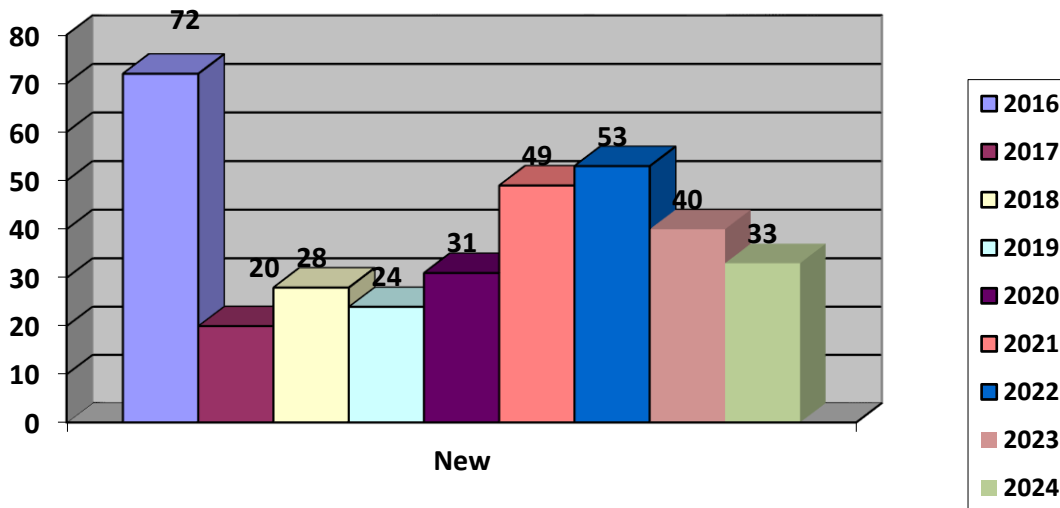


# Town of Blue River

**Staff Report**  
**Short-term Rental Update**  
 Submitted By: Michelle Eddy, Town Manager

## Statistics

Total Issued Licenses as of 12/31/2024: 214-26%



## Annual Revenue

Year	Sales Tax	Lodging Tax
2016	\$264,757.05	\$123,742.00
2017	\$237,468.92	\$126,585.55
2018	\$286,968.54	\$155,511.07
2019	\$425,616.72	\$166,883.33
2020	\$842,141.13	\$176,339.81
2021	\$844,558.23	\$228,743.34
2022	\$1,002,256.27	\$327,762.62
2023	\$996,818.50	\$303,230.72
2024	\$1,064,654.64	\$383,711.68

### Percentage of STRs by Subdivision

***\*\*Please note the percentage of STRS is based on total homes built within each subdivision and NOT buildable lots.***

Subdivision	# STR	%STR **	% Build Out	% Full-Time Res.
96 Sub	8	22%	90%	30%
97 Sub	11	26%	84%	37%
Aspen View	7	44%	80%	13%
Blue Rock Springs	13	24%	93%	46%
Bryce Estates	1	25%	57%	0%
Clyde Lode	0	0%	50%	0%
Coronet	10	32%	78%	35%
Crown	24	35%	93%	28%
DOT Condo	5	14%	100%	31%
DOT Placer	0	0%	50%	100%
Golden Crown	3	60%	63%	20%
Lakeshore	11	27%	93%	23%
Leap Year	7	32%	91%	43%
Louise Placer	2	29%	70%	14%
McCullough Gulch	1	33%	43%	67%
Meiser	2	100%	100%	0%
Misc Sec TR7-77 Land	0	0%	22%	40%
Mountain View	14	30%	96%	34%
New Eldorado Sub	4	50%	73%	38%
New Eldorado Townhomes	1	11%	100%	56%
Pennsylvania Canyon	0	0%	100	0%
Pomeroy	0	0%	0%	0%
Rivershore	0	0%	63%	0%
Royal	14	21%	94%	31%
Sherwood Forest	18	23%	94%	23%
Silverheels	1	25%	67%	29%
Spillway	3	15%	90%	25%
Spruce Valley Ranch	0	0%	68%	20%
Sunnyslope	13	43%	86%	33%
Timber Creek Estates	29	41%	89%	7%
Wilderness	12	22%	96%	33%